

To be Chief of Coast Artillery, with the rank of major general, for a period of four years from date of acceptance, with rank from March 20, 1930

Col. John Wiley Gulick, Coast Artillery Corps, vice Maj. Gen. Andrew Hero, jr., Chief of Coast Artillery, whose term of office expires March 19, 1930.

HOUSE OF REPRESENTATIVES

MONDAY, March 17, 1930

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We need Thee, our Merciful Father, because we need forgiveness. We thank Thee that Thy heart glows and pulses with the revelation of divine love. How marvelous are its disclosures in the mission of Thy Son, our Saviour. Come and adorn the inner temples of our natures and clothe them with sweetness and light. Make us right with God and give us a humble, gentle love for our fellows. O be urgent with us. Lead us to scorn the wrong and love the true. Impress us that he falls in public and in private life who dispenses with high, healthy morals. Along our journey may we love work for work's sake and love our own work for its own sake, and always help us to keep from those things that engulf goodness and keep us at those sources that make character. Through Christ our Saviour. Amen.

The Journal of the proceedings of Friday, March 14, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9979) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes."

MERGER OF THE GREAT NORTHERN AND NORTHERN PACIFIC RAILROAD COS.

Mr. PITTINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the proposed merger of the Great Northern and Northern Pacific Railway Cos.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTINGER. Mr. Speaker, a recent decision of the Interstate Commerce Commission under date of February 11, 1930, Finance Docket No. 64091, indicates that the commission is favorable to a merger of the Great Northern and Northern Pacific Railway Cos. It is a matter of common knowledge that these companies are competing carriers. This decision is most significant, the principle sought to be established is important, and it affects the welfare of the people of many States.

The tendency in recent years toward mergers and combinations is now appearing in the railroad world. Not only in other business enterprises but in the transportation business of this country as well, we are brought face to face with the question whether individualism and competition shall be preserved in our economic life, or whether individualism shall be destroyed and monopoly supersede the economic laws which have heretofore governed our industrial development.

1920 TRANSPORTATION ACT

In 1920 amendments were made to the existing law, under which this proposed merger is now being formulated. I refer to the act to regulate commerce found in United States Code, title 49, chapter 1, which is known as the interstate commerce act. I call your attention to section 5 of this act and to paragraphs (4) and (5), which read as follows:

(4) The commission shall as soon as practicable prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible and wherever practicable the existing routes and channels of trade and commerce shall be maintained. Subject to the foregoing requirements, the several systems shall be so arranged that the cost of transportation as between competitive systems

and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

(5) When the commission has agreed upon a tentative plan, it shall give the same due publicity and upon reasonable notice, including notice to the governor of each State, shall hear all persons who may file or present objections thereto. The commission is authorized to prescribe a procedure for such hearings and to fix a time for bringing them to a close. After the hearings are at an end, the commission shall adopt a plan for such consolidation and publish the same; but it may at any time thereafter, upon its own motion or upon application, reopen the subject for such changes or modifications as in its judgment will promote the public interest. The consolidations herein provided for shall be in harmony with such plan.

At the time that Congress took action in 1920, I am informed that transportation service was demoralized on account of various conditions, that the railroads were operating at a loss, and that the above and other factors contributed to this legislation.

The proposition will not now be disputed that the railroads have reorganized, that they are giving good and efficient service, and that their revenues are ample. In other words, their condition is entirely different at the present time from that which existed in 1920, when the legislation was passed.

MERGER PLANS ANNOUNCED

However, the law still remains, and on December 9, 1929, the Interstate Commerce Commission announced the adoption of a plan, under section 5, paragraphs (4) and (5), which provides for the consolidation of the railway properties of the continental United States into a limited number of systems. This plan is found in volume 159, Interstate Commerce Commission Reports, on page 522. The United States Daily published a supplement setting forth the complete official text of this plan of the Interstate Commerce Commission for the consolidation of railroads under date of December 23, 1929, and again issued a supplement consisting of maps or charts of the proposed consolidations into 21 systems under date of January 2, 1930.

There is not a single Member of Congress whose district is not vitally concerned in this great consolidation program or whose territory is not affected by the same.

GREAT NORTHERN AND NORTHERN PACIFIC PLANS

Mr. Speaker, this consolidation program is brought forcibly to our attention by the decision of the Interstate Commerce Commission of February 11, 1930, in response to an application by the Great Northern Railway Co. and the Northern Pacific Railway Co. to permit these roads to consolidate and become one operating system with one ownership and control.

The Great Northern Railway Co. operates 8,164.14 miles of line, of which 558.87 miles are in Canada. Its eastern terminals are St. Paul, Minneapolis, and Duluth, Minn., Superior, Wis., and Sioux City, Iowa. Its western terminals are found in Seattle and Tacoma, Wash., and Portland, Oreg., and also in Canada.

The Northern Pacific Railway Co. operates 6,688.43 miles of line, of which 74 miles are operated under trackage rights in Canada. Its eastern terminals are St. Paul, Minneapolis, and Duluth, Minn., and Superior, Wis. Its western terminals are Seattle and Tacoma, Wash., and Portland, Oreg., and also points in Canada.

A reading of the decision of the Interstate Commerce Commission indicates that they found their authority for authorizing this merger in the United States Code, title 49, chapter 1. They appear to be proceeding under subdivision (2) of section 5, which reads as follows:

(2) Whenever the commission is of opinion, after hearing, upon application of any carrier or carriers engaged in the transportation of passengers or property subject to this act, that the acquisition, to the extent indicated by the commission, by one of such carriers of the control of any other such carrier or carriers either under a lease or by the purchase of stock or in any other manner not involving the consolidation of such carriers into a single system for ownership and operation, will be in the public interest, the commission shall have authority by order to approve and authorize such acquisition, under such rules and regulations and for such consideration and on such terms and conditions as shall be found by the commission to be just and reasonable in the premises.

It seems to me that this decision of the Interstate Commerce Commission, authorizing the merger of these two great railroad systems, is contrary to the spirit and letter of the law. I am not overlooking the fact that this decision, authorizing this merger, imposes certain conditions upon these two great competitors, such as the requirement that they shall divorce the

Burlington and that they shall acquire and operate the so-called short lines of railroad named in system No. 12, and that there shall be unified operation of terminals, and that the Chicago, Milwaukee, St. Paul & Pacific Railway Co. shall have access from Spokane to Portland, and so forth.

I want to direct attention as best I can to the great proposition that a merger plan is actually being worked out which will consolidate two great competing railway systems, and that little objections such as I have indicated above will not prevent the program from being carried out.

MERGER DECISION SHOULD BE ATTACKED IN COURTS

I do not believe the law was intended to permit this sort of procedure. The consequences are far-reaching. If this decision of the Interstate Commerce Commission is to go unchallenged, and if the law is to remain unchanged, it will only be a short time before there will be a centralization of control of all of our transportation systems under one great head, and the principle of competition in the railroad world will be entirely discarded.

No one need be deceived as to what is going on. This decision of the Interstate Commerce Commission, instead of being objectionable to those who seek the monopoly rule in transportation, in my opinion, is exactly what they wanted. I quote from the Minneapolis Tribune, under date of March 11, 1930, as follows:

New York, March 10 (WNS).—Official negotiations planned to lead to a merger of the Great Northern and Northern Pacific Railroads, as proposed by the Interstate Commerce Commission on February 21, got under way this afternoon when presidents of the two Northerns, the Burlington, J. P. Morgan & Co., and the First National Bank met at the offices of the Northern Pacific. Arthur Curtiss James, director and largest single stockholder of the Great Northern, also attended.

The meeting was preceded by a morning gathering at which Charles Donnelly, president of the Northern Pacific, presided. The major proposition before the railroad executives is the problem of working out a merger of the two Northerns without including the Burlington.

The original merger application would have included the Burlington, but rather than drop the whole merger the officials indicated to-day they are willing to try and merge the Northerns and then try to work out a manner of access from Minneapolis and St. Paul to Chicago.

So far as I can see, there is absolutely no assurance that this proposed merger will in any way serve the interests of the public. On the other hand, I believe it does have serious consequences. It is an attempt to do what the Supreme Court of the United States has refused to sanction on two other occasions; and this is fully and ably discussed in the dissenting opinion of Commissioner McManamy, and I do not elaborate upon the same here because I am making his dissenting opinion a part of my remarks on this question.

This proposed merger raises squarely the question whether competition and individualism are to continue in America, or whether the merger and combination idea is to be permitted to fasten monopoly upon the country and create a new economic status. There are many phases of the matter. I mention one, and that is the effect upon our communities, where there are railroad employees, who have put their savings into homes, raised families, and made investments in the localities where their work has required them to live. Many of them will be thrown out of employment or be compelled to move away. They are vitally interested in and affected by the new plan, and so are the cities where they make their livelihood. The consequences to them would be most serious.

This proposed merger affects several States, and, under the interstate commerce act, it is proper for the States which are vitally affected to question the particular decision of the Interstate Commerce Commission which authorized this merger in the courts. The people in the various communities should see to it that their State officials proceed at once to question this decision in the manner provided by law.

CONGRESS SHOULD TAKE ACTION

I believe it is also proper that Congress should take action on this matter, and I am heartily in favor of S. J. Res. 146, introduced in the Senate of the United States by Senator DILL, of Washington, on February 27, 1930. This resolution declares the proposed merger to be against public interest and directs the Interstate Commerce Commission to forbid the consolidation of these railroads.

I want to take occasion to say here that, if anyone is indifferent to this problem at this time, the day is not far distant when they are going to find that they are vitally interested in the proposed merger of the Northern Pacific and Great Northern Railway Cos. You are going to find, as time goes on, proposed mergers of other great systems which operate throughout your various districts. Consequently, I think it proper for this House to call the attention of the Committee on Interstate and Foreign

Commerce to the necessity of amendments to the interstate commerce act which will make it impossible, by merger and combination and monopoly, to eliminate competition from the transportation world.

I quote from the Public Ledger, issue of March 7, 1930, published in Philadelphia, Pa., as follows:

Taking the attitude that "wholesale consolidation of railroads may disrupt a railroad situation which is satisfactory to the shippers and the public," the joint executive committee of commercial organizations, meeting in the Chamber of Commerce yesterday, asked the repeal of the consolidation clause of the transportation act of 1920, in so far as it provides for consolidation in terms of a general plan.

This action was sent to Members of the Senate and House of Representatives from Pennsylvania, the various commercial organizations throughout the country, and to the Chamber of Commerce of the United States, the latter group being asked to make the subject the matter for discussion at the annual meeting in May.

President Philip H. Gadsden, of the chamber of commerce, presided at the meeting, and those concurring in the resolution were: Hubert J. Horan, commercial exchange; J. M. Davidson, Commercial Traffic Managers' Association; President Philip Godley, H. S. Wills, and W. B. Siple, board of trade; President Emil P. Albrecht and William A. Lockyer, the Bourse; P. H. Gadsden and George W. Elliott, chamber of commerce; J. S. W. Hilton, maritime exchange; F. W. Kidd, real estate board; and Richard Weglein, ocean traffic bureau.

The resolution asking this complete change in attitude toward railroad consolidation was as follows:

"The reasons which prompted Congress in 1920 to adopt the policy of railroad consolidation do not exist in 1930. In 1920 the railroads were demoralized due to the war; to-day they are affording the best service shippers have ever enjoyed.

"Four years ago President Hoover, then Secretary of Commerce, was able to say: 'Probably the most outstanding single industrial accomplishment since the war has been the reorganization of our American railroads. Our transportation service was not only demoralized by Government operation during the war, but had suffered * * * for many years before.

"The annual loss * * * was estimated * * * to amount to hundreds of millions a year. The railroads during the last five years not only have built up adequate service, but they have by great ability of their managers greatly reduced transportation costs. The result of this great reorganization upon the whole economic fabric of the country has been far-reaching."

"This description applies to the railroads to-day with even greater emphasis. The statistical records of the carriers and the universal opinions of the shippers indicate that the railroads of the United States are now operating under conditions which make any drastic change of organization both unwise and dangerous.

"No sentiment for a national scheme of railroad consolidation exists among the users of railroads, and the Interstate Commerce Commission, by its reluctance to issue the final plan, has indicated lukewarm support of this policy.

"In view of the possibility that the wholesale consolidation of railroads may disrupt a railroad situation which is satisfactory to the shippers and public we place ourselves on record as favoring the repeal of the consolidated clauses of the transportation act of 1920 in so far as it provides for consolidation in terms of a general plan, but favor the policy which would sanction consolidation of individual carriers when, in the opinion of the Interstate Commerce Commission, public interest would thereby be clearly promoted."

There is much more to be said in connection with this subject and in connection with the decision of February 11, 1930. Much of the matter is fully and ably covered by Mr. McManamy, chairman of the Interstate Commerce Commission, in his dissenting opinion, and also by Commissioner Eastman in his dissenting opinion; and I quote the foregoing opinions, as follows:

DISSENTING OPINION OF CHAIRMAN M'MANAMY

McMANAMY, *Chairman*, dissenting:

In my concurring expression in Docket No. 12964, Consolidation of Railroads (159 I. C. C. 568) I said:

"But we should not, in order to open the door to lawful consolidations, propose consolidations which are themselves unlawful, and that I think we have done."

One of the unlawful consolidations which I there had in mind will be effectuated by the action of the majority in this proceeding.

The majority finds that present and future public convenience and necessity require the Great Northern Pacific Railroad Co. to acquire by stock ownership and by lease for a period of 99 years and to operate the properties of the Great Northern, the Northern Pacific, and the Spokane, Portland & Seattle Railroads, and that such acquisition and operation will be in the public interest. What is here outlined is therefore, for all practical purposes, a complete consolidation of these properties into one corporation for ownership, management, and operation. To my mind, the facts shown in the report upon which the action here taken is based falls far short of justifying the conclusion reached and

the action taken and fails in the following important particulars to meet the requirements of the act:

(1) It is not responsive to any proceeding before us.

It is true that an application by the same parties was filed on July 8, 1927, and was heard by us about one and one-half years ago. The hearing in that case, however, was completed about a year and four months before our plan for the consolidation of railroads was promulgated. The Great Northern and the Northern Pacific own practically the entire capital stock of the Burlington Railroad, and no suggestion was made upon that record that the Burlington should be disassociated from the northern lines. The proposition to divorce the Burlington from the northern lines which was for the first time announced in our consolidation plan, in my opinion, made such a change in the conditions surrounding these properties that the record can not be said to clearly reflect the attitude of the public toward this consolidation, and the evidence can not be held to show that under the changed circumstances it will be in the public interest. In fact, there is no evidence which shows that under the changed conditions the applicants themselves desire this consolidation, and if such a desire has been indicated it has not been in a public hearing such as is clearly required by paragraph (6) of section 5 of the act before a consolidation may be approved or authorized.

(2) The consolidation here authorized goes far beyond any power that is given us by paragraph (2) of section 5, under which the application was filed.

Consolidations for ownership and operation are clearly not authorized under paragraph (2) of section 5. That section authorizes the "acquisition * * * not involving the consolidation of such carriers into a single system for ownership and operation."

As a matter of fact the word "consolidation" appears in this paragraph only for the purpose of specifically forbidding it. Consolidations such as this may be made only under paragraph (6) of section 5 after the commission has complied with the provisions of paragraphs (4) and (5). We are required by the act to agree upon and publish a tentative plan for the consolidation of railroads after which public hearing, including notice to the governor of each State, must be had. Following such hearing we may proceed to adopt a plan for consolidation, later termed a complete plan, and publish the same. Clearly it is not contemplated that the plan adopted as a result of the public hearings must correspond in all respects with the tentative plan which forms the basis of such hearings. It is obvious that we may, and if necessary should, depart from the tentative plan; therefore after the adoption of the complete plan when an application for consolidation is presented to us, paragraph (6) requires us to again set the application down for public hearings and give notice to the governor of each State in which any part of the properties sought to be consolidated is situated of the time and place for public hearings. Under the procedure here approved by the majority consolidations may be brought about without the required notice to the governor of each State and without an opportunity for the people to show whether or not such proposal is in the public interest. Certainly such procedure is not sanctioned or contemplated by any of the provisions of the act.

(3) The consolidation of these two lines is in complete disregard of the specific mandate of Congress that "competition shall be preserved as fully as possible."

This is the third attempt that has been made to consolidate the Great Northern and the Northern Pacific Railroads. The first plan by which the Great Northern attempted to obtain control of the Northern Pacific was found to be in violation of the Minnesota statute prohibiting the consolidation of parallel and competing lines. *Pearsall v. Great Northern Railway* (161 U. S. 646). The court there said:

"As the Northern Pacific road also controls, by its own construction and by purchase of stock, other roads extending from the Mississippi River to the Pacific Ocean, and operates as a single system an aggregate mileage of 4,500 miles, most of which is parallel to the Great Northern system, the effect of this arrangement would be to practically consolidate the two systems, to operate 9,000 miles of railway under a single management, and to destroy any possible advantages the public might have through a competition between the two lines."

The second plan under which control of both companies would have been vested in a holding company was found to be a combination to restrain competition in violation of the Sherman law. *Northern Securities Co. v. United States* (193 U. S. 197). In that case the court said:

"* * * Let us see what are the facts disclosed by the record."

"The Great Northern Railway Co. and the Northern Pacific Railway Co. owned, controlled, and operated separate lines of railway, the former road extending from Superior and from Duluth and St. Paul to Everett, Seattle, and Portland, with a branch line to Helena; the latter extending from Ashland and from Duluth and St. Paul to Helena, Spokane, Seattle, Tacoma, and Portland. The two lines, main and branches, about 9,000 miles in length, were and are parallel and competing lines across the continent through the northern tier of States between the Great Lakes and the Pacific, and the two companies were engaged in active competition for freight and passenger traffic, each road connecting at its respective terminals with lines of railway or with lake and river steamers or with seagoing vessels. * * *"

These statements by the United States Supreme Court are just as applicable to these two lines to-day as they were when written. It is clearly shown that these two railroads serve the same Pacific ports and the same Lake ports and other eastern terminals and together serve all of the intervening territory. If active and substantial competition does not exist between these two lines, nowhere in the country can such competition be found. Officials of these two lines testified that not only are they in active and vigorous competition with each other but that each is the most aggressive and important competitor of the other.

This fact alone renders the proposed consolidation inconsistent with the purpose of the act. The fact that a substantial part of the traffic of each line is noncompetitive is immaterial. It is not with such traffic that the provisions of the statute deal. Nor may we limit our consideration of the traffic to that which, in the language of the majority, is "exclusively competitive." No such limitation is contained in the law. We must consider all traffic for which these lines compete and as to which their competition will be eliminated. The record shows that the northern lines serve 75 per cent of the industries in Seattle and handle approximately 70 per cent of the competitive traffic to and from that point, and similar conditions exist at other Puget Sound points. At Duluth it was testified that all effective competition would be removed and the facilities of other lines serving that point and the length of haul to other competitive points supports that conclusion. Similar conditions exist at other competitive points and, in addition, there is important cross-country competition at many points along the lines. Certainly in the light of two decisions of the United States Supreme Court holding these lines are parallel and competitive, consolidating them, which is what we are here doing, violates the act under which the consolidation is proposed.

(4) In my opinion, the majority has erred in the weight given to the evidence upon which the finding of public interest is based.

The law provides that notice respecting either the tentative plan or the complete plan must be served on the governor of each State advising of the time and place for public hearing. This notice is clearly for the purpose of permitting the governor of each State, or such State officials as he may designate, to appear and represent the people of the State in the matter of public interest. It further provides that all persons who may file or present objections thereto shall be heard. Certainly it contemplated that appropriate weight should be given to the views of the governors or other public officials. The report states:

"Of the 11 State bodies which intervened only 1 clearly favored the proposal."

Other interveners in opposition included such important organizations as Farmers Grain Dealers Associations of North Dakota and Montana representing 35,000 farmers and operating 203 elevators on the Great Northern and 114 elevators on the Northern Pacific; the chambers of commerce or other commercial bodies of Duluth, Minn., Fargo and Grand Forks, N. Dak., Omaha, Nebr., and Tacoma, Wash.; the Southern Minnesota Mills which the record shows grinds one-third of all the spring wheat grown in the Northern States; the receiver of the Minneapolis & St. Louis Railroad Co.; and the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. It is true that many organizations and individuals appeared in support of the applications, but such support came principally from small communities local to one or the other of the northern lines. Of course, they would not be affected by the elimination of competition as would the larger cities served by both lines. In my opinion, given proper consideration, the weight of evidence introduced by representatives of the States, organizations of producers, large shippers, and other interests is overwhelmingly against the consolidation.

The majority states:

"Foremost among the considerations in favor of the proposed unification is the feasibility of making large operating economies."

The total saving said to be brought about by these consolidations amounts to \$10,142,811. Analysis of the savings claimed indicates that the total will be far less than the amount claimed and in any event it is testified that none of this saving is to go to the public in the way of decreased rates, and there is no convincing showing that improved services will result. Many of the items are so unimportant that they need not be mentioned and others admittedly can be brought about without the consolidation. The biggest item of saving is the use of Rosebud coal on Great Northern locomotives. It is contended that this will result in a saving of \$2,282,157. Yet it is admitted that much, if not all, of this saving could be brought about without consolidation.

Rerouting of traffic by shorter lines is said to produce a saving of \$1,536,328. This claim will not stand careful analysis. The following illustration is fairly typical: A saving of \$70,738 per annum is claimed from diverting traffic from the Great Northern to the Northern Pacific between Laurel, Mont., and Northgate, N. Dak. This saving is arrived at as follows: The distance from Laurel to Northgate via the Great Northern's circuitous route is 812 miles. By way of the Northern Pacific to Sydney, Mont., and the Great Northern beyond, the distance is 500 miles. The traffic between these points, consisting principally of oil moving eastbound, averaged four carloads per day each week

day, or a total of 116,967 gross tons per year in 1925 and 1926. This tonnage multiplied by the distances of 812 miles over the Great Northern's circuitous route and 500 miles over the short joint route produces gross ton-miles of 94,777,204 and 58,483,500, respectively. These gross ton-miles are then multiplied by the costs per 100 gross ton-miles which are shown as 12.14 cents for the Great Northern's circuitous route and 7.62 cents for the short joint route. The net result is a total cost of \$115,302 over the Great Northern's circuitous route and \$44,564 over the short joint route, or an annual saving of \$70,738. Everything else being the same, it would appear that the costs per 100 gross ton-miles should be lower via the long route over the Great Northern than via the short joint route. There is no adequate explanation of the marked difference in the costs per 100 gross ton-miles shown for the two routes, nor is any explanation offered why traffic between Sand Point and Casselton on the Great Northern should cost 8.77 cents per 100 gross ton-miles while the traffic from Laurel to Northgate, which moves 412 miles over the same rails, should cost 12.14 cents. Whatever saving might be effected, it is clear that the carriers could bring about the same saving by routing the traffic via the short route without any unification of their lines. Certainly the possibilities of savings from this source are too remote to form a satisfactory basis for a showing of public interest.

The effect of this consolidation on the employees, which form a substantial portion of the population in the territory through which these lines pass, is wholly disregarded in the majority report. When these two lines were built the States through which they pass were largely virgin territory. Communities grew up beginning with the division points of these railroads, and to-day such important communities as Jamestown and Mandan, N. Dak.; Glendive, Miles City, Forsyth, Livingston, Missoula, and Paradise, Mont., not to mention the larger communities of Butte, Helena, and Billings, Mont., are to a very substantial extent composed of and dependent upon employees of the Northern Pacific Railway Co. And the same is true, although to a smaller extent, in the State of Washington. For half a century these towns have been the principal terminal points as well as the principal towns and cities along this line. It is now proposed, for the alleged purpose of saving \$1,500,000, to divert 3,800,000 tons of through freight to the Great Northern between Sand Point, Idaho, and Casselton, N. Dak., a distance of more than 1,100 miles. This will make it necessary to transfer from the Northern Pacific to the Great Northern, if such a transfer can be arranged, a substantial number of employees, completely disregarding the fact that many of them have important property interests in the towns where they now are located. I am not saying that these towns will be destroyed by the removal of the large percentage of railroad employees, but the effect on the towns will be serious and the effect on the employees disastrous. It was testified that at one point on the Northern Pacific the consolidation of these lines and proposed diversion of through freight to the Great Northern would compel railroad employees receiving salaries amounting to \$200,000 per year to move elsewhere. Many of these employees have invested the savings of a lifetime in their homes. The consequences would be very serious, not only to the employees affected but also to the entire community of about 5,000 population. It has within the last few years made extensive improvements, including a sewage system costing \$170,000 and a water system costing \$200,000, which would not have been made but for the existence of the railroad terminal. The interests of those who have invested in property in such towns should be considered, as well as those of the stockholders of the railroad, and when the losses to important communities which will result from this consolidation are deducted from the alleged saving the result will probably have to be shown in red.

In this proceeding, however, my chief disagreement with the majority is as to the method of procedure. If upon a proper hearing on the specific question at issue public interest is clearly shown to require the consolidation, approval would probably be justified. Such a hearing has, however, not been had and if we assume that the hearing upon which the majority bases its conclusions was responsive to the issues now before us, I submit that the showing of public interest has been woefully inadequate to justify the conclusion reached. Since the promulgation of our complete plan I can see no reason for approving this consolidation under paragraph (2) of section 5 instead of requiring an application to be lawfully filed and heard under paragraph (6) of section 5; unless it be the fear that a dismissal of this application would result in releasing the stock which has been deposited under it, and that once so released it will never again be deposited, which, of course, would result in the failure of the consolidation. If that be true, the consolidation should fail.

If this consolidation is in the public interest, it should be so shown in a proceeding heard in the light of the changed conditions brought about by our consolidation plan after the governors of the States have been notified of what is proposed and they, together with other representatives of the public, should be heard. This application should be dismissed without prejudice to filing another application under paragraph (6) of section 5 and in accordance with our final plan of consolidation.

DISSENTING OPINION, COMMISSIONER EASTMAN

EASTMAN, *Commissioner*, dissenting:

To a considerable extent my reasons for disagreeing with the conclusions reached by the majority in this case are covered by the separate expressions of other commissioners. I shall, therefore, summarize them very briefly.

(1) The unification proposed is not, to my mind, a mere acquisition of control within the purview of section 5 (2). It is to all intents and purposes a consolidation of the railroad properties in question into one system for ownership and operation, and hence is within the purview of section 5 (6). If this is not so, the distinction between the two forms of unification falls short of a difference and is a matter of form rather than substance. Obviously, the attempt to bring this unification under section 5 (2) is pure subterfuge, such as we ought not to countenance. It trifles with the law. Incidentally, those who devised this subterfuge seem to have been unable to utilize the corporation laws of any State in which the system will actually operate. Instead, they had recourse to little Delaware, far removed from the theater of action, and availed themselves of one of those loose and extraordinary charters which are granted for use in every State but Delaware and which make a mockery of State corporation laws. In my judgment it is quite arguable that we would be justified on grounds of sound public policy in refusing every application which involves the use of a Delaware charter, except in the rare event that it is to be employed in that State.

(2) The condition attached to the authority to consolidate the two northern lines, to the effect that they shall divest themselves of their interest in the Burlington, is, so far as I am aware, unsupported by any evidence of record. For many years the Burlington has been treated by the northern lines as a preferred connection, and its development has been shaped to fit that purpose. As I see it, the present situation is a highly satisfactory one. The northern lines are in keen competition, and while they jointly control the Burlington, neither one can dominate it. For that reason its management is largely independent, and yet it fits in with and supplements the operations of each of its joint proprietors. The western termini of the Burlington lines in Montana are not large points, but merely junctions with the northern lines.

So important has the Burlington been to its two proprietors that there is every reason to believe that the present unification project was the outgrowth of a fear, inspired by our tentative consolidation plan, that an effort might be made to divorce the Burlington from one of them. Its importance to both was emphasized by the applicants throughout the present record.

The practicability of really divorcing the Burlington from the northern lines is in itself a matter of grave doubt. Its stock is now pledged under mortgages of both roads. Apparently it can be released from these mortgages and sold, but only provided it is sold in its entirety at full and fair value and the trustees under the mortgages so certify. Quoting from the testimony of the president of the Northern Pacific:

"It would obviously require, therefore, a release of this stock from under either of these mortgages, first the sale of the entire block as a whole, and in all probability for cash, before it would be released; and it would require an agreement between the seller and the purchaser as to the value thereof; and it would require a certification of the man or trustee or the representative of the corporate trustee that the full and fair value thereof had been actually received and put under the mortgage, in lieu of the released stock."

What would this involve? There is \$170,839,100 of Burlington stock outstanding and during the past eight years it has paid regular dividends of 10 per cent annually. Probably the stock is worth as much as \$200 per share. A sale of it would, therefore, mean a \$341,000,000 transaction, and in all probability, according to the president of the Northern Pacific, a cash transaction. Our consolidation plan does not provide any railroad company to which this stock can be sold. Where, then, is the purchaser to put up this \$341,000,000 of cash? My own belief is that if such a purchaser is found, it will be some creation, no doubt in the form of a holding company, devised by friendly interests.

Before such a divorce is precipitated, its practicability and wisdom and effectuality should surely be the subject of consideration at a public hearing.

(3) As I have already indicated, I see no reason for such a step and no good reason for changing the present situation. I agree entirely with what Commissioner McManamy has to say as to the competition existing between the northern lines and the inconsistency of their consolidation with the preservation of competition "as fully as possible."

Substantially the only plausible reason offered for the consolidation is the hope of certain promised economies. I am not overimpressed by the paper demonstration of these economies. Some of them can be accomplished through cooperation without consolidation. Others are of the type which is dependent upon the elimination of competition. Undoubtedly certain operating economies can be effected by the union of any two parallel and competing lines, and the maximum in this direction could be attained, on paper at least, if railroad competition were wholly eliminated. But, rightly or wrongly, I think that it is clear that

the country wishes competition preserved, and is convinced that the advantages outweigh the disadvantages, actual or theoretical. First in importance in attaining maximum economy in operation is an alert, progressive, and intensive management. Whether such a management will characterize the consolidated systems as fully as it has the present two sharply competitive systems only time can tell.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I ask unanimous consent that on to-morrow, after the regular order of business now on the calendar has been concluded, the gentleman from Tennessee [Mr. FISHER] may be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that at the conclusion of the remarks of the gentleman from New Jersey [Mr. EATON], the gentleman from Tennessee [Mr. FISHER] may be permitted to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BACHARACH. Mr. Speaker, I ask unanimous consent, following the address of the gentleman from Tennessee [Mr. FISHER] to-morrow, to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I do not object—may I ask the gentleman from New Jersey upon what subject he expects to address the House?

Mr. BACHARACH. I propose to answer the gentleman from Texas [Mr. GARNER] on his speech made last Friday.

Mr. GARNER. Mr. Speaker, would it be out of order if I should ask for five minutes to reply to the gentleman from New Jersey?

The SPEAKER. The Chair will recognize the gentleman for that purpose. Is there objection?

There was no objection.

FIRST DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I present a conference report on the bill H. R. 9979, the first deficiency appropriation bill.

MEMORIAL HIGHWAY TO CONNECT MOUNT VERNON WITH ARLINGTON MEMORIAL BRIDGE

Mr. TILSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3168) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington, with the House amendments thereto, insist on the House amendments, agree to the conference asked by the Senate, and appoint conferees.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to take from the Speaker's table the bill S. 3168, with House amendments thereto, insist on the House amendments, and agree to the request for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, and I do not intend to object, I want to ask the gentleman from Connecticut if it is not a fact that while this bill comes from the Roads Committee it really deals with a subject that has been under consideration by the George Washington Bicentennial Joint Committee?

Mr. TILSON. The gentleman from Texas is correct.

Mr. GARNER. I would like to suggest that the Speaker take note of that fact, with the view of appointing to the conference gentlemen who are probably better acquainted with the situation than the membership of the Roads Committee. That is the only idea I had in mind in calling attention to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. TILSON, DOWELL, and MOORE of Virginia.

THE CONGRESSIONAL RECORD

Mr. KIESS. Mr. Speaker, I ask unanimous consent to recommit to the Committee on Printing the bill (S. 1312) to amend sections 182, 183, and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BRUMM. Mr. Speaker, two weeks ago I asked for permission to address the House on last Tuesday, and, due to the death of ex-President Taft, that time was continued. I now ask unanimous consent to address the House to-morrow, at the con-

clusion of the remarks of the gentleman from Texas, for 45 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MAPES. Mr. Speaker, reserving the right to object, my understanding was that it was the intention to continue to-morrow the consideration of the bus bill, and to finish the consideration of the bill during the day. I do not see the chairman of the Committee on Interstate and Foreign Commerce on the floor, but certainly the special orders already granted are going to take a great deal of the day.

Mr. TILSON. Mr. Speaker, on Thursday we hope to have an appropriation bill before the House for consideration. I believe the gentleman will have no difficulty in getting time on that day. The gentleman from Michigan [Mr. MAPES] is correct, that we are filling up the calendar for Tuesday, so as to leave very little time for the completion of the motor bus bill, which we hoped to complete to-morrow.

Mr. BRUMM. Mr. Speaker, the gentleman from New Jersey [Mr. EATON] had reserved time for the same day and asked to have it go over until next Tuesday. I was absent on important business and could not make this request at that time. It is very important to me, and I think because of the fact that we had reserved time two weeks ago, we should be given a little consideration in this respect.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AID FOR PORTO RICO

Mr. DAVILA. Mr. Speaker, I understand that the House conferees have disagreed to the appropriation of \$3,000,000 in the deficiency appropriation bill. I ask unanimous consent to address the House for 10 minutes on that subject at this time.

The SPEAKER. The Commissioner from Porto Rico [Mr. DAVILA] asks unanimous consent to address the House at this time for 10 minutes. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Speaker, I want to call the attention of the Members of the House to the appropriation of \$3,000,000, intended to help Porto Rico in its work of rehabilitation, and which was included by the Senate in the first deficiency bill.

This appropriation was recommended to Congress by the President of the United States. On his recommendation the two legislative bodies, the House and the Senate, authorized this appropriation by unanimous consent. The original appropriation for the work of rehabilitating Porto Rico was \$12,000,000. The Senate passed that appropriation, but we had some difficulty in the House, and the chairman of our committee, the gentleman from Pennsylvania [Mr. KIESS], entered into an understanding with the leaders of the House by which the appropriation was reduced to \$8,000,000. However, conditions in Porto Rico are so depressing that this additional fund of \$3,000,000 is necessary to continue the rehabilitation program. We were not able to persuade the members of the Committee on Appropriations of the House of the necessity and urgency of this legislation. There existed a misapprehension regarding the scope and purpose of this appropriation. In view of this failure, the Secretary of War and the Secretary of the Treasury appeared before the Committee on Appropriations of the Senate in support of this measure. This appropriation was favorably reported by the committee and was later passed by the Senate, but it happens now that the conferees on the part of the House have been unable to reach an agreement on this item.

I want to call the attention of the Members of the House to the fact that this appropriation is of the utmost importance. I repeat that there exists a misunderstanding regarding the purpose of this appropriation. It was stated before the Subcommittee on Appropriations of the House that this money was intended for the relief of unemployment.

Well, I am not going to deny to the Members of this House that we have a lot of unemployment in Porto Rico and that the situation in our country is extremely serious. But the main object of this appropriation is to help in the rehabilitation of the island. It is intended for the rebuilding and repairing of roads destroyed by the hurricane, especially in the rural sections, in order to facilitate transportation and help the small farmers. A portion of this money will be utilized to complete the repair of schools that likewise suffered. The relief of unemployment is only a by-product of this appropriation.

Governor Roosevelt in a letter to Representative BACON has explained very clearly the purpose of this appropriation.

Governor Roosevelt knows more about conditions in Porto Rico than anybody else in Washington. [Applause.] He has visited all the places in the island; he has gone to the mountains and to other rural districts of Porto Rico and gotten into

personal contact with the people in distress, and especially the poor farmers. There is no one who can give better information about conditions in our island than Governor Roosevelt. I wish to say to the House, without casting any reflection on former governors of Porto Rico, that no governor in the past has taken so much interest in the welfare of Porto Rico than Governor Roosevelt. [Applause.] For that reason we are greatly indebted to him and he is receiving the fullest cooperation of the people of the island.

I earnestly appeal to the Members of this House. This appropriation is needed in Porto Rico very badly; you are not familiar with conditions existing in our island, you can not appreciate the seriousness of our situation. But I am sure that if the gentlemen of the House would visit our country and there observe the devastation wrought by the hurricane not a single Member would oppose this appropriation.

This country has always been very generous. We have the reputation of helping in every case of distress. Whenever there has been distress in foreign countries—like Belgium, Russia, China, and Japan—we have been extremely liberal. Now you have thousands of American citizens in Porto Rico who are in need. Surely you are not going to deny the help they are asking of Congress. If we can not appeal to the Congress of the United States for assistance in an emergency, where are we going to find relief for our troubles? You have the sole responsibility in regard to Porto Rico, and I hope, gentlemen of the House, that the conferees will agree to this amendment.

Mr. Speaker, I ask unanimous consent, with the permission of the gentleman from New York [Mr. Bacon], to print in the RECORD the letter addressed to him by Governor Roosevelt, which I hope the conferees will read. [Applause.]

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The letter referred to follows:

SAN JUAN, P. R., February 25, 1930.

MY DEAR CONGRESSMAN BACON: Thank you for your letter concerning the proposed appropriation of \$3,000,000 for additional hurricane relief in the island of Porto Rico. I have read the hearings with care and believe that there is a fundamental misunderstanding concerning the application of these funds and the condition of the island.

To begin with, there seems to be a general assumption through the hearing that the condition of unemployment and destitution in Porto Rico is one that will be permanent or extend over a long period of years. This, in my opinion, is not the case. Porto Rico is laying the foundations now for an economic recovery which will place her where she should be, as a self-sustaining, prosperous community of citizens of the United States, but she needs aid to accomplish it.

We have, it is true, a very large population for the size of our island—1,500,000 people—but the surplus can be taken care of by the development of intensive agriculture and the establishment of manufacturing industries.

On both counts we are now not only working, but making progress. Through our secondary school units we are giving instruction in practical agriculture. Through the farm bureaus we are about to institute we will disseminate modern practices among our small farmers. Through our Homestead Commission we are giving the opportunity to hard-working right-thinking men to obtain sufficient property of their own to operate small farms, which will adequately support them and their families.

Industry is also receiving our constant attention. Our people make excellent industrial workers. This is not a supposition on our part but a proven fact, for we have now on the island embroidery work of all sorts, woodwork, canning industries, etc. I think that the adaptability of our people is probably best illustrated by a jewel-cutting concern that was established here some years ago and is now operating profitably. At its inception there were many individuals from the outside who maintained that it would be impossible for it to be successful unless all of the more complicated work and all of the management was handled by men brought from the continental United States. The gentleman who owns and operates the concern did not believe this to be so. He believed that we could develop a personnel here ourselves. He has been eminently successful, and his entire personnel now is native-born on the island. As he remarked the other day when discussing the establishment of some new line of endeavor, "If it is possible for Porto Ricans to learn so quickly such a complicated trade as that of jewel-cutting, it is possible for them to learn any manufacturing work."

Our difficulty has lain in the fact that the manufactures here have not been sufficient in number. The reason for this lies in the fact that there has been little if any coordinated attempt on the part of the Government or anyone else to encourage manufacturing in Porto Rico. We are now proposing to do this by extending industrial education of a practical nature through our school system to a far greater extent than has heretofore been the case, and by the organizing of a bureau of commerce.

An illustration of the lack of comprehension of Porto Rico's position in the scheme of the United States lies in the fact that at the moment the representatives of the Federal Department of Commerce belong to the Foreign Service and not to the domestic service. In other words, it is their mission mainly to try to find markets for continental United States products here, rather than to aid in the building up of the local manufactures.

As a matter of fact, Porto Rico is excellently situated for industries. She has three great assets in her favor: Abundant intelligent labor, abundant cheap power, and a water haul to the important markets of the continental United States.

The above is a very brief picture of our future. It is entirely incorrect to assume either that we have no future or that we are not working hard and intelligently to develop it.

I note a number of mistakes in the hearing on this appropriation. In one place it was observed that the Porto Ricans would not emigrate to Santo Domingo, where wages were double those of Porto Rico. The fact is that wages in Santo Domingo are lower than those in Porto Rico, not higher. Furthermore, the gentleman who made the observation seems to have forgotten that our people in Porto Rico are citizens of the United States and do not wish to expatriate themselves any more than he might wish to expatriate himself, especially when by so doing they would damage, not help, their economic condition.

I notice in another point in the hearing that the statement was made that all we had lost, in so far as our coffee plantations are concerned, were the shade trees. This is not the fact. Hundreds of thousands of coffee plants were destroyed, and we are working to replace them every day from our agricultural experimental farms. I know whereof I speak in these matters, because I have been over personally the farms where the trees had been destroyed as well as the experimental farms through which we are trying to replace them.

We have a desperate situation confronting us now, but it is a crisis which can be met successfully, not a chronic condition. Financially our revenues have fallen abruptly. We are now trying to operate the government with 20 per cent less of funds than we used two years ago. It is easy to see that this condition was precipitated by the disaster, for the taxes that our people are paying have not been lightened, but increased. In order to achieve the rehabilitation which we must achieve and will achieve we must continue and develop the practical services which will make of our people valuable citizens of the United States and will give to them the opportunities which we believe citizens of the United States should have for happy, useful lives for themselves and their families.

These services comprise, in our estimation, proper schools giving instruction in practical fashion such as I have outlined above, as well as academic instruction; practical extension of farm aid to the farmers, in the nature of instruction that has as its aim enabling the people to help themselves in the future; proper governmental aid for the establishment of new industries and the development of such as exist here now, and the extension of the services of the department of health, for it is axiomatic that without health as a foundation no people can develop and increase in usefulness and prosperity.

The \$3,000,000 that is under discussion has a direct relationship to this entire matter. Indeed, it is a necessary integral part thereof, particularly the two millions to be used for such additional work on schools as might be necessary, but more especially on the insular roads. Our rehabilitation plan and our ability to rehabilitate ourselves must depend, as it does in all countries, upon proper and adequate communication. The small farmer in the interior must have the means whereby his product can reach markets or else he can not make a living. The manufacturing concerns must have proper communication or they can not dispose of their products or collect their raw materials, which in many instances take the form of farm products. The \$2,000,000 would go directly for this purpose—i. e., the communication system on which depends the economic reestablishment of the island. It so happens that by using these funds a certain number of individuals would be employed during the next two years, but that is the by-product of the work. The principal aim is the rehabilitation of our transportation system in such fashion as to make possible our economic recovery and advancement.

As a practical matter, and one that should appeal to the gentlemen of Congress, the use of these funds would not burden the insular government with a greatly increased maintenance charge in the future. The effect would be the contrary. By putting the roads into proper shape we would be able in the future to cut a considerable sum annually from our road maintenance and turn it to vitally necessary services in health and education.

It is worth noting in this connection that the granting of these funds by Congress has an exceptionally far-reaching effect in so far as the island is concerned. If they are not granted we shall be placed in the very disastrous position of having to consider curtailing drastically school and health work and greatly cramping the plans I have outlined above for the establishment of our people here on a sound, self-supporting economic basis. These funds at this time for road repair represent not merely the repair of the roads, but literally the education of many of our children and the saving of the lives of others, for they permit us to use money for these services which would not otherwise be available.

I trust Congress will bear in mind that this gift so generously suggested is not in the nature of charity, the effects of which pass immediately after its expenditure, but rather in the nature of a just and equitable philanthropy, the results of which will bear fruit in the time to come in permanent fashion for the people of Porto Rico. It is hardly necessary for me to add in closing that the people of Porto Rico are citizens of the United States, and that our responsibility as a Nation is to endeavor to see that all of our citizens receive the best opportunity to develop themselves into useful members of the community. The interest of any part of our citizens is fundamentally the interest of all. Porto Rico voluntarily asked to be included in the draft for the last war. She stood firm when danger threatened the United States. We should stand by her in her time of trouble.

Yours very truly,

THEODORE ROOSEVELT.

HON. ROBERT LOW BACON, M. C.,
House of Representatives, Washington, D. C.

THE WHEAT MARKET

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a letter written by me to the chairman of the Farm Board and his reply thereto with reference to the wheat situation.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing a letter written by himself to the chairman of the Farm Board and his reply thereto. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under leave granted me I file herewith for the information of the House a copy of a letter written by me to the Hon. Alexander Legge, chairman Farm Board, concerning the situation in the wheat market and his reply thereto.

The letters are as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 5, 1930.

Mr. ALEXANDER LEGGE,
Chairman Farm Board, Washington, D. C.

MY DEAR MR. LEGGE: I gather from press reports that the price of wheat recently fell considerably but that it rallied, owing to the fact that the Government, through its agent, bought heavily in the Chicago Grain Exchange. Will you be good enough to furnish me with the following information:

1. Did the Government buy any wheat in the Chicago Grain Exchange after the fall in prices?
2. Did it buy directly or through some agency?
3. What agency was employed to do the buying?
4. How much wheat was purchased; how much money was spent?
5. Was the wheat resold, and if so, at what price?
6. Has the Government or any of its agencies any wheat on hand now; if so, how much?
7. Was the wheat purchased actually in the hands of the farmers or had it already been sold and in the hands of jobbers and dealers? In what way was the farmer injured, or profited, by the Government stepping in and bolstering the market?
8. How much money appropriated by Congress for farm relief has been spent to date including:
 - (a) Amounts loaned and to whom?
 - (b) Commodities actually purchased and list and quantities of commodities?

I will greatly appreciate an early reply.

Very truly yours,

F. H. LAGUARDIA.

MARCH 8, 1930.

HON. FIORELLO H. LAGUARDIA,
House of Representatives.

DEAR MR. LAGUARDIA: Replying to your letter of March 5, I would say first that the Government has not bought any wheat, or any other commodity. This answer of course also covers questions Nos. 2 and 3.

The Farm Board has made loans to the stabilization corporation set up under the terms of the agricultural marketing act, but I can not give you the details of the amount of grain on hand. The total amount of the loans outstanding to date is approximately \$22,000,000. This includes both loans made by the Farmers National Grain Corporation to member cooperatives and the loans to the stabilization corporation.

The last estimate we had as to the wheat still in the hands of farmers was as of February 1, the March 1 estimate not yet being available. At that time 170,000,000 bushels were still in farmers' hands, plus a very considerable amount in the hands of farmers' pools and cooperative associations, and an additional amount which farmers had stored at country and terminal elevators, for which they have taken storage receipts. The exact amount of the latter is hard to estimate but it is a considerable quantity, and I think it is safe to say that from 25 to 30 per cent of the 1929 wheat crop is still owned by the farmers in some position.

In this connection, permit me to say that on account of conditions existing in the three competing exporting countries, Australia, Argentina, and Canada, it seems probable that in any event the bulk of the wheat inventory at the close of this consuming season will be in this country.

The stabilization operations are not along the line of trying to raise prices, but rather to prevent utter demoralization in the market. With two exceptions I believe the present price is the lowest we have had in the past 15 years—one time being the period following the crash of 1921, and the other a dip below present price levels about the end of May last year. There is no question in our minds that present price levels are substantially below the average cost of production in the wheat-growing areas. They are certainly low enough to eliminate any question of a burdensome cost to the consumer.

There seems to be an impression that the board is attempting to peg the price of farm products or to set an artificially high price. This is not true. Under the free play of the law of supply and demand prices have always been fixed. It is the board's intention merely to stabilize the price curve in conformity with known economic law. Our stabilization operations are aimed to prevent an unduly high price for the consumer by ironing out the big peaks in the price line and by preventing the sharp dips which sometimes occur. I am sure that you will realize that it is entirely possible that the surplus carried forward at the end of this year will operate as a stabilizing influence against unduly high prices which in the event of a short crop might occur next year.

Up to last night the total advances from the revolving fund amounted, in round figures, to some \$56,000,000, of which \$6,000,000 has been repaid. All of this is in the form of loans to cooperative organizations handling the various agricultural products.

A full report of all transactions will, of course, be made to Congress as provided for in the act. It would perhaps be unfair to borrowers to give out details otherwise, although if there are any particular transactions which come to your attention on which you would like further information I shall be glad to come over and discuss the matter with you at whatever time is convenient to you.

Very truly yours,

ALEXANDER LEGGE,
Chairman Federal Farm Board.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS, from the Committee on Appropriations, by direction of that committee, presented a privileged report on the bill (H. R. 10813, Rept. No. 908) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, which was read a first and second time and, with the accompanying papers, referred to the Union Calendar and ordered printed.

Mr. COLLINS reserved all points of order.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

TITLE OF STATE OF MINNESOTA TO CERTAIN LANDS PATENTED TO IT BY THE UNITED STATES

The first business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill has been the subject of some correspondence which the gentleman from Minnesota [Mr. SELVIG] inserted in the RECORD of February 17, at page 3794.

I confess I have not had the opportunity to thoroughly digest this situation that I would have liked to have, but I find therein that there is a discussion of a possible claim of \$125,000 which may be made against the Government, and the Indian Bureau seem to have some question as to the possibility of such a claim being made against the Indians.

It is suggested, however, that the timber in question was not cut from Indian lands and hence would not be a charge, properly, against the funds of the Indians. The Indian Bureau, under date of March 4, has written a letter to Mr. SELVIG, which I insert in the RECORD:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 4, 1930.

HON. C. G. SELVIG,
House of Representatives.

MY DEAR MR. SELVIG: Reference is made to your recent telephone call in regard to H. R. 5178, which would confirm the title of the State of Minnesota to certain land.

The report of the Indian Office is published on page 3794 of the CONGRESSIONAL RECORD for February 17, 1930. In this report it was recommended that H. R. 5178 be amended by eliminating the period in line 5, page 3, of the bill and adding, after the word "blood," the words "and for the value of all timber cut from such swamplands."

It appears from the RECORD that the payment of the \$125,000 set-off will not be made from Indian funds; but the question may hereafter be presented to Congress, at which time we will go more fully into the matter. Therefore, we will withdraw our objections to the passage of H. R. 5178.

Sincerely yours,

C. J. RHOADS, *Commissioner.*

Approved March 8, 1930.

RAY LYMAN WILBUR, *Secretary.*

I would like to ask the gentleman from Minnesota [Mr. SELVIG] whether the passage of this bill, in any way whatever, or to any extent whatever, commits the Federal Government to the payment of a damage claim of \$125,000 or any other amount?

Mr. SELVIG. I may say, in reply to the gentleman from Michigan, that I asked the former attorney general of Minnesota regarding that matter, and he wrote me under date of January 11, 1930, a letter which appears in the RECORD of February 18.

Mr. CRAMTON. And in that letter I find this statement by Mr. Youngquist:

My recollection is that the lands from which the timber was cut were not within the White Earth Reservation, but I am telegraphing the present attorney general of Minnesota to advise you in that respect. However that may be, the passage of the bill in its present form will not require the payment of this claim by the United States out of Indian funds or otherwise, but leaves reimbursement wholly within the control of Congress.

Then the attorney general's telegram is that—

Timber claimed as set-off second suit cut from lands around Leech Lake ceded by Indians under act of January 14, 1889 (25 Stat. 642), and cut under and in accordance with that act. Some of the lands from which timber was cut classified later as swamp and patented to Minnesota (see 32 Lands Decisions, 328). Minnesota claimed in suit reimbursement for timber taken off these tracts of land.

As I have said, I have not had the time and I do not like to ask again that the bill go over. I thought that possibly the gentleman would satisfy me because of the confidence I have in the gentleman from Minnesota. I have not been able to digest the situation enough to form an opinion, but does the passage of this act give any additional basis or any strength to a claim for damage?

Mr. SELVIG. It is my understanding; it does not.

Mr. CRAMTON. Whatever claim for damages might exist after the passage of this bill, the gentleman thinks already exists and is not strengthened by this legislation?

Mr. SELVIG. I have Mr. Youngquist's letter in which he states—

Mr. CRAMTON. But his letter is not direct enough for the particular inquiry. I think if I might take the time to study his letter, with the legislation generally, it might answer my question, but I have not had time for that, so I am asking whether the passage of this bill strengthens any claim for damages against the Government out of Indian funds or otherwise.

Mr. SELVIG. No; it does not.

Mr. CRAMTON. I will have to ask that the bill go over, unless the gentleman can give me definite assurance.

Mr. SELVIG. I have a letter from Mr. Youngquist, who was formerly attorney general, and he states that he would not be inclined to recommend additional legislation to the State of Minnesota, which would be required, and as I understand it, if this bill passes it coincides with similar legislation passed by the State of Minnesota and would clear up this particular situation.

Mr. CRAMTON. Is it the gentleman's meaning that if this bill passes this closes the matter and there will be no demand made for damages; that the State of Minnesota will not present a claim for damages?

Mr. SELVIG. That it will not present a claim for the \$125,000?

Mr. CRAMTON. If that were definite, I would have no objection to the bill.

Mr. CLARKE of New York. May I ask what was written in reply to the request for an opinion made by the former attorney general? What was that telegram?

Mr. CRAMTON. I read that telegram a moment ago, as to where the timber referred to was located.

Mr. SELVIG. It is my understanding this bill will close the matter so far as any claim that the Government may have

against Minnesota is concerned, and that Minnesota will relinquish her right to 12,000 acres of land allotted to the Indians that should have been patented to her. This bill will not in any way obligate the Government to pay any claim for timber cut from lands that belonged to Minnesota.

Mr. CRAMTON. In the absence of a positive, definite assurance to that effect, I wonder if the gentleman would object to the bill going over without prejudice?

Mr. SELVIG. No; I can not give that assurance, but I have no objection to having it go over.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFER OF LAND FROM OKLAHOMA TO TEXAS

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for five minutes. Is there objection?

Mr. LA GUARDIA. I do not want to object, but if we are going to have the Consent Calendar I think it should not be interrupted.

Mr. McCLINTIC of Oklahoma. I would not ask for this time but the Supreme Court has just handed down a decision that affects my State, and the present is the time for me to put my statement in the RECORD.

Mr. LA GUARDIA. I am the last person to object to anyone's talking, but could not the gentleman address the House after the conclusion of the Consent Calendar?

Mr. CRAMTON. I am not going to object to this request, but I shall object to any more speeches after this.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, ladies and gentlemen, I want to thank the Members for extending to me the privilege of making this statement at this time. I feel that I should apologize for interrupting the business, and I should not have asked for it had it not been that the Supreme Court has just handed down a decision which affects 28,500 acres of land in what was Oklahoma until to-day.

The Supreme Court of the United States to-day rings down the curtain on a controversy that vitally affects many patriotic, loyal citizens who have resided in western Oklahoma for more than a quarter of a century. The mandate or the proclamation issued by this court transfers from the State of Oklahoma to the State of Texas a strip of territory embracing 28,500 acres, and the sad part of this controversy is those whose homes are affected will lose title to their land unless the Legislature of the State of Texas comes to their relief in some way.

By the act of June 5, 1858, Commissioner John H. Clark marked the boundary for the United States Government between what was then the Territory of Oklahoma and the Panhandle of Texas, the same being the true one hundredth meridian of longitude west from Greenwich, extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the northern boundary line of the State of Texas. Since that date the Territory has been formed into a State and the United States, prior to May 3, disposed of 20,657 acres to those who homesteaded the same. In addition, 3,118 acres were set aside for school and university grants, leaving some vacant land subject to homestead entry.

The citizens who resided and owned land in this strip have for the past 25 years felt secure in the fact that their titles were obtained from the highest authority in the land, the United States Government. The loan companies have never hesitated from making loans on this property as the titles were sufficient to meet all requirements. Schools and school districts have been created; churches have been constructed, and every facility that represents modern progress has been loyally supported by those residing in that section. Therefore, when the Supreme Court made a decision that this property did not belong to the State of Oklahoma it caused a great deal of alarm for the reason every person affected preferred to remain in the State that had assisted in providing every facility necessary for their enjoyment.

The State of Oklahoma, through its legislative bodies, has taken cognizance of this subject in every efficient manner possible. The attorney general, J. Berry King, and legislative committees, have made trips to Washington, to the capitol of Texas and other places with the hope that some kind of a compromise could be arranged so that this question could be settled without the necessity of the transfer of such land. The Govern-

nor of the State of Oklahoma has conferred with the Governor of the State of Texas, and every assurance has been made that any fair proposition would be accepted as a basis for settlement of the controversy. The State of Oklahoma, through its representatives, has offered \$150,000 to the State of Texas for title to such property, and when it is taken into consideration that the amount that the homesteaders paid the Government for this land was \$8,026, it would seem that such an offer was a fair one. However, the State of Texas refused this and all offers, until apparently there was no basis upon which a settlement could be made.

Mr. PALMER. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. I will.

Mr. PALMER. What counties in Oklahoma are involved in this decision?

Mr. McCLINTIC of Oklahoma. Harmon, Beckham, Roger Mills, and Ellis.

Senator THOMAS and myself assisted in the passing of a resolution through Congress which provided a plan for the settlement of this question so as to preserve and protect the titles of all property affected in a way that would be satisfactory. This resolution was signed by the President on March 1, 1929, and sections 2 and 3 would have made it possible for the State of Texas and the State of Oklahoma and the United States Congress to enter into a compact which should have been satisfactory to all concerned. The sections referred to are as follows:

SEC. 2. In the event the Governor of the State of Texas and the Governor of the State of Oklahoma, acting for their respective States, agree to confer with the United States relative to the subject matter mentioned and described in section 1 hereof the consent of Congress is hereby given to the said State of Texas and the said State of Oklahoma to negotiate and enter into a compact or agreement respecting the matter in this act mentioned, and the President is herein authorized and requested to proceed with such conference and to formulate and suggest a compact or agreement to be presented to the Congress and to the Legislatures of the State of Texas and the State of Oklahoma for ratification; and if and when ratified by each said contracting party, then each said party herein mentioned is hereby authorized to proceed to comply with the obligations in said compact or agreement assumed.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of the parties herein mentioned unless and until it has been ratified by the Congress and by the legislatures of each of the States herein mentioned.

The land affected in this controversy was situated in Harmon, Roger Mills, Beckham, and Ellis Counties, all of which are in the seventh congressional district, and I have the honor of representing the same. The owners of this property have loyally cooperated with me for more than 15 years. They are the kind of law-abiding citizens that are entitled to fair and just treatment whether they reside in Oklahoma or Texas, and it is with the deepest regret that I bid them good-bye as their status is moved from the district that I represent in Oklahoma to another district in the State of Texas.

The State of Texas is an empire within itself. It has an area of 265,896 square miles, in comparison with 70,057 in Oklahoma. It has 254 counties, in comparison with the 77 in Oklahoma. It is represented in the House of Representatives by 18 splendid, efficient servants, while Oklahoma has 8. The State of Texas has an estimated population of between 5,000,000 and 6,000,000, and the State of Oklahoma has between 2,000,000 and 3,000,000. Thus it can be seen that the State of Texas could have been magnanimous without harming a single one of its citizens. It could have adopted a policy that would have been praised not only by those who were directly affected, but all who believed in the spirit of fair play. No one will ever say that Texas with her vast amounts of public land needed this little strip, and it is to be hoped that when this question is finally adjudicated that some way will be found to protect the title of those who own this land in Texas, so it can never be said that a great State demanded and took its pound of flesh.

There is one consoling thought. The district to which this territory will be added is now represented by one of the finest gentlemen that it has ever been my pleasure to serve with in a legislative body, the Hon. MARVIN JONES. He is possessed of the kind of integrity that has won for him the confidence and respect of the citizens in his district. Therefore I have no hesitancy in saying that if this Congressman can have his way the rights of the people affected will be championed and everything possible done to straighten out this situation in a proper way.

I am a native Texan, born in Robertson County, and resided in Limestone County for more than 20 years. I am the last person that would ever criticize the splendid citizenship of that State. However, I feel that if this was a question that could be left to the people residing in Texas that all fair-minded

citizens would say that those people who have owned and have title from the Government to their lands should not be dispossessed but instead there should be found some way to protect their property rights. How much better it would be to extend the kind of generosity that would make them proud of their new residence, rather than have them confronted with the problem of going into court in order to save their home.

The mandate of the Supreme Court will bring sadness to every home. The sturdy pioneers thus affected are too few in number to have any effect on those who guard and guide the destiny of their new State. They are forced to turn their backs on friends and neighbors who stood shoulder to shoulder with them in solving the problems of early pioneering. It is my sincere wish that those affected will soon be able to adjust themselves to the new conditions in the great State of Texas. I know that they merit the kind of humane treatment that will cause them to loyally support their new State, and I am hoping that the public officials who will be in charge of their destiny will be sufficiently big in every way to act the part of humanitarians.

Therefore, as the final chapter is written to this controversy it seems appropriate to me to anticipate the thoughts of these splendid citizens with the following verse:

Fare thee well! bright land of beauty,
Emerald land, a long farewell;
Words are faint, too faint to speak the
Sorrow which my heart would tell.
'Tis a sorrow full of weeping,
And a parting full of gloom,
As I look farewell and turn me
From thy face of glorious bloom.
Adieu to shades where I have wandered
'Neath the elm trees' greenest blow,
And to places bright to sadness
With the sunshine's mellow glow.
Adieu to the bright green prairies,
Wild flowers and the river dell;
Groves and birds—oh, land of beauty,
'Tis a pang to say farewell.
I shall dream of her at morning,
In another home I seek,
Dream of all the wondrous beauty
Which an Oklahoman morn can make,
And my heart will stop to listen
To the tinkle of the bells,
Floating o'er the waving grasses
Like some happy music swells.
But farewell, thou home of beauty,
Parting hath a pang to-day;
Blessings of my saddened spirit
I will give thee, and away.
Fare thee well, broad, bright prairies,
Wild flowers and the mossy dell;
River blue and vale of cashmere,
Emerald land—a long farewell!

[Applause.]

ACQUISITION OF TIDELANDS FOR SEWER PURPOSES AT FORT LEWIS, WASH.

The next business on the Consent Calendar was the bill (H. R. 3311) to authorize the acquisition of certain tidelands for sewer purposes at Fort Lewis, Wash.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I call attention to the fact that you need no bill to carry on this work. A letter from the Secretary of War states that the act of July 2, 1917, is probably broad enough to authorize the acquisition of these lands. This act, however, does not contain an appropriation nor express authorization therefor.

Members of the Appropriations Committee were here at that time, and stated that if the application was made for an appropriation for this purpose, it would be granted by the committee without the necessity of passing this legislation. I see no need of encumbering the statute books by passing a bill that is unnecessary under the law.

Mr. WAINWRIGHT. Mr. Speaker, this is a bit of legislation that has been asked by the War Department for a perfectly proper purpose. There seemed to be in the letter some little question as to whether the general law would cover it. It is simply a request for an authorization to spend \$12,000 to acquire some land vitally necessary in connection with Fort Lewis Reservation.

Mr. LAGUARDIA. That doubt is entirely removed by the expression of the Committee on Appropriations that it is un-

necessary, and if the case is made to the Appropriations Committee there is sufficient authority in law to grant it.

Mr. WAINWRIGHT. The action of the Committee on Appropriations would not necessarily settle the legal question involved. This is a very simple matter, and I trust the gentleman will not object, because I am quite sure he would find no objection to the purpose of the measure.

Mr. LA GUARDIA. True; but if we pass unnecessary bills just because an employee of the War Department asks for it, we are not legislating intelligently.

Mr. WAINWRIGHT. Of course, I can not control the gentleman's action. If he proposes to object to what seems to be a reasonable proposition, there is nothing that I can do. All I can do is to express the hope, in view of the urgency of this situation, that the gentleman will not object. The lease expires on the 30th of June, and if this authorization in some form is not acquired by the War Department they will be in a situation where they will have to buy a piece of land that costs \$8,000 or \$10,000 for an easement to go from the point where the upland begins out to tidewater, and construct an extension of this sewer to cost over \$20,000, involving an expenditure of nearly \$30,000, whereas if they are able to buy this piece of land at \$12,000 that would settle the whole business, and that is all that will be required to be expended.

Mr. LA GUARDIA. But the gentleman is discussing the merits of the bill and I am not. I am simply stating that the legislation is unnecessary.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. STAFFORD. I wish to emphasize the phase of the question brought to the attention of the gentleman from New York, Mr. LA GUARDIA, by my friend from New York, Mr. WAINWRIGHT, since I rose first, and that is that there is imminent need of this legislation. Assuming the position of the gentleman from New York [Mr. LA GUARDIA] is correct, it will not effect the purpose, because there will not be time to bring the matter to the attention of the Committee on Appropriations in regular course. Here are the owners of land on which the Government has a leasehold right. It would otherwise be necessary to project the sewer from the high-water mark out to the low-water mark of the ocean at greater expense than will be required to purchase these tide lands. The lessees demand action by Congress.

Mr. LA GUARDIA. They can get it more quickly by going to the Appropriations Committee and getting the money.

Mr. STAFFORD. I question that statement and that is why I appeal to the gentleman from New York [Mr. LA GUARDIA] not to press his objection. There is urgent need of this legislation if the interests of the Government are to be conserved.

Mr. LA GUARDIA. But I have conferred with the subcommittee that would have charge of this matter.

Mr. STAFFORD. But they will not meet for another year.

Mr. LA GUARDIA. This will not give you the money.

Mr. O'CONNELL of New York. Who owns the tide lands now?

Mr. WAINWRIGHT. They belong to an estate.

Mr. O'CONNELL of New York. And the United States is using them?

Mr. WAINWRIGHT. Yes, under this permit which expires on the 30th of June, and the executors of the estate now insist that if the War Department is to continue to use these lands in their ownership, it must buy this easement and extend the sewer out to deep water at an expense of about \$30,000.

Mr. O'CONNELL of New York. I have no objection to the bill.

Mr. WAINWRIGHT. If this legislation is passed, they will acquire title to the land.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. HOOPER. And the estate wants to sell an easement in the property to the Government?

Mr. WAINWRIGHT. I do not understand that the estate is pressing anything. In the first place the estate objected very strongly to the sewer outlet on their property, emptying the sewage on the tide lands, but it was during the war, and they made no objection to it during the period of the war. After the war was over they still objected, and the War Department negotiated this lease with them. The only question here is whether this legislation is necessary.

Mr. LA GUARDIA. And it is not.

Mr. WAINWRIGHT. And whether it can be done in the way suggested by the chairman of the subcommittee for military affairs of the Committee on Appropriations. It seems to me in a matter of this nature, if there is a doubt and if the War

Department requests legislation of this kind, it would seem reasonable for us to grant that legislation. I hope the gentleman from New York will not press his objection.

Mr. HOOPER. I have no objection to the bill. How long a stretch of this tideland is there involved?

Mr. WAINWRIGHT. I do not know.

Mr. HOOPER. Does the gentleman think that the \$12,000 authorized to be appropriated is a reasonable amount under all of the circumstances for the tidelands?

Mr. WAINWRIGHT. My recollection is that we went into that at the time this matter was up, and that the representative of the War Department who appeared before us said that if we were put to the necessity of condemning the land, it would cost us a great deal more.

Mr. HOOPER. Are those lands used for any other purpose than estate property?

Mr. WAINWRIGHT. No; I understand not.

Mr. LA GUARDIA. Mr. Speaker, we have on the calendar to-day a bill repealing many obsolete and unnecessary statutes that were passed in this manner. The tendency is to substitute general legislation to take care of such situations. The act of July, 1917, is deemed sufficiently broad and the view entertained by the Committee on Appropriations is such that the gentleman need have no concern over the fact that the project will be carried out by this bill, and I therefore object.

The SPEAKER. Objection is heard.

ASSISTANT COMMISSIONER OF EDUCATION

The next business on the calendar was the bill (H. R. 7390) to authorize the appointment of an assistant commissioner of education in the Department of the Interior.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MERRITT. I object.

Mr. CRAMTON. Will the gentleman from Connecticut withhold his objection for a moment?

Mr. MERRITT. Yes; I will withhold it.

Mr. CRAMTON. The situation is that the Bureau of Education in the Department of the Interior is rapidly increasing in importance.

Mr. MERRITT. That is what I object to.

Mr. CRAMTON. It has been increased in importance along lines that I do not believe the gentleman would object to; lines of increased duties with reference to the cause of education, to make it what might be called a clearing house for suggestions as to educational policies. Now, the bureau as it stands, from the viewpoint of proper administration, manifestly requires an assistant commissioner, an assistant who for the first time will be able to give consideration to important matters that need attention. I do not see that the question as to whether we should have a bureau of education or a department of education ought to determine questions relating solely to the efficient administration of what we have.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. REED of New York. Some time ago we passed an act authorizing a survey of the land-grant colleges throughout the country. They spent a total of 700 days in making that survey and acquired a vast amount of valuable information concerning land-grant colleges. The commissioner needs this assistant. The demands on him are very large.

Mr. O'CONNELL of New York. This bill was put off the last time by an objection. I talked the matter over with the chairman of the committee and as a result I withdrew my objection.

Mr. REED of New York. This is an administration bill. The Committee on Education reported the bill promptly at the close of the hearing. The bill was introduced by me at the request of the Secretary of the Interior. I hope the gentleman from Connecticut will withdraw his objection.

Mr. MERRITT. I think this involves a question of a principle, and I do not think it is a type of bill that ought to be on the Consent Calendar.

Mr. CRAMTON. That is a question that appeals to each Member personally. I have no argument with the gentleman from Connecticut on that question. But I am satisfied from my acquaintance with the functions of the bureau that this bill does not in any way widen the scope or authority of that bureau. It simply gives the commissioner an assistant for the more efficient administration of the bureau.

Mr. MERRITT. The gentleman knows that as a bureau develops it widens its activities and enlarges its power. When this bureau grows sufficiently it will ask to be made into a department of education. I think this proposed enlargement of the Bureau of Education, if it leads to a department of

education, is one of the most dangerous movements in the United States.

Mr. CRAMTON. I have not yet committed myself, but I have not had it demonstrated to me that we need a department of education. But we can not shut our eyes to the fact that education is a great problem, and our people are interested in it. If we are not to have a department of education, it is important that we should see that the bureau should be efficient in its field. I think this assistant commissioner should be given.

Mr. BLACK. Mr. Speaker, I am opposed to the proposed department of education. I have attended the hearings on this bill. To my mind this bill has no effect on the main issue as to a department. If anything, it rather helps the bureau's position on the bill. It merely gives a clerk a rather extravagant title to prepare this statistical information. I have been opposing the department of education bill, and I have been opposing it intensely for some time, and I can see no reason for opposition to this particular measure.

Mr. CRAMTON. The policy of the Committee on Appropriations in handling the appropriations for this bureau is that certain functions, such as carrying on certain surveys and investigations and making that information available to the States, should be cared for as those needs develop. As to the broader question of a department of education we have not tried to work toward that at all, but the work of the Bureau of Education has now come to a point where there should be an assistant commissioner provided. I will not press the gentleman from Connecticut, but I will be very glad if he can withhold his objection.

Mr. MERRITT. I have great regard for the judgment of the gentleman, and I should be glad to withhold it if I could feel justified in so doing.

Mr. REED of New York. The Bureau of Education has jurisdiction over certain activities that have been created by the Federal Government. The Howard University is one, the land-grant college is another, and others of Federal origin. The bureau needs the assistance of an assistant commissioner. I have no interest in it except that it is an administration measure, and I hope the gentleman will not object.

Mr. MERRITT. Is it true that the appointment of this assistant commissioner will have no direct bearing on the general public-school education?

Mr. REED of New York. None whatever, except to provide a more or less technical expert to perform work which has been created by acts of Congress.

Mr. MERRITT. I think the error was in Congress piling on the work.

Mr. REED of New York. But we have done so, and the administration has asked for this extra assistance. I hope the gentleman will not object.

Mr. PATTERSON. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. PATTERSON. One thing was brought out, that in the other departments doing similar work they all have this assistant commissioner.

Mr. REED of New York. This is one of the few that has not. It embarrasses the department.

Mr. MERRITT. I think there are some useful bureaus. Except, in connection with Howard University and other United States establishments, I do not consider the Bureau of Education a useful bureau at all. I think if it were abolished, it would be just as well for the cause of education.

Mr. BLACK. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. BLACK. The latest argument advanced by those who favor it is that the bureau can not properly collate statistical material. If it can properly collate statistical material by this addition, then the only remaining argument of the proponents of the department absolutely falls flat.

Mr. PATTERSON. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. PATTERSON. This has nothing to do with the department of education one way or the other.

Mr. MERRITT. I am willing to let it go over without prejudice so that I can study it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to pass it over without prejudice.

The SPEAKER. The gentleman from Michigan [Mr. Cramton] asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

FEDERAL FOOD AND DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I think it would help the consumers if in line 18, page 2, after the word—

Mr. STAFFORD. Will the gentleman yield? I am going to ask to pass this over without prejudice.

Mr. LaGUARDIA. I yield.

Mr. STAFFORD. Mr. Speaker, I wish to say that since this bill was under consideration I have given further thought to it, studied the report carefully, and I wish to make further investigation and consider the matter more with the department as to the real purpose to be attained under this bill; what the present practice is, and so forth, and I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MAPES. Mr. Speaker, reserving the right to object, of course, the gentleman from Wisconsin can put that bill over if he insists, but, the gentleman will realize that time is passing and it delays the passage of this legislation every time we put it over.

Mr. STAFFORD. The gentleman will realize that this is a most important bill, and I might inform the gentleman that since I asked unanimous consent two weeks ago to have this bill go over without prejudice the lobbyist or legislative agent of some organization has been indulging in back-firing, misrepresenting my position, not at all squarely with my position; but that does not influence my attitude toward this bill. Since then I have examined closely the report, and there are certain features to which I wish to give further consideration.

Mr. MAPES. I will say to the gentleman that I do not know anything about any such back-fire.

Mr. STAFFORD. Oh, I do not ascribe to the gentleman that he is in conspiracy with any of these leeches that hang around the Halls of Congress and back-fire to drive Members from their positions or prevent them from performing their public duties. I have said in some letters that I would like to have this legislative agent consigned to the sewer of oblivion. I detest this practice of having some lobbyist or legislative agent back-fire when a man on the floor of the House is doing what he considers his public duty. It is time we knew who that culprit is. I would like to know.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MAPES. Mr. Speaker, reserving the right to object, I think the gentleman will find upon investigation that the Department of Agriculture, as the representative of the department testified before the Committee on Agriculture of the House, is very much in sympathy with this legislation. He stated before the committee that the department took the initiative to get legislation of this nature passed some 15 years ago, and that the department thinks it is very desirable legislation.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. LaGUARDIA. I will say the consumers agree with the legislation.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. STAFFORD. I did not wish to provoke debate further, and that is why I asked the gentleman from New York not to press his amendment, because I was not in a position at the present time to give consent to its consideration.

Mr. KETCHAM. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. KETCHAM. In connection with the investigation which the gentleman makes, will he be kind enough to check up on the canning industries in his own State? They are vitally interested in this. I do not want to have any back fires started on the gentleman, but he should know how his own people feel on this important bill.

Mr. STAFFORD. The back-firing has been started by these unscrupulous legislative agents or lobbyists. I know the gentleman from Michigan [Mr. Ketcham] was not a party to it. I put these remarks in the RECORD so that the offenders will know my position, not only for my protection but for the pro-

tection of every other Member of this House who asserts his rights.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. O'CONNELL of New York. Does the gentleman not think this is of sufficient importance to come before the House in some other way?

Mr. STAFFORD. That is my present opinion.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

CUSTER NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I cherish the hope that sometime the Federal Government may be induced to turn over to the State of South Dakota what is now known as the Wind Cave National Park. The State of South Dakota has a wonderful State park, the Custer State Park, and I hope sometime the Federal Government in its generosity will contribute the Wind Cave to the Custer State Park. When that is done, I would hope the Federal Government would go further and give to the State of South Dakota also enough of the Custer Forest to connect the Wind Cave area with the Custer State Park.

I have reserved the right to object to ascertain whether there is anything that could be done under this bill, if it becomes law, that might interfere with that being done some time in the future.

Mr. LEAVITT. I will say to the gentleman that if this could possibly have any effect whatever on that situation, it would be in the contrary direction.

Mr. CRAMTON. Then I am for it, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, it seems to me the real purpose of this bill, with the committee amendment, is conflicting. In the first place, the Secretary says:

It is utterly impracticable to exclude such lands from the national forests, since the presence of such adverse holdings would block the practical administration of the remaining more valuable timberlands.

Then later on he says:

The economic welfare of the region demands that they be retained in public ownership and handled in connection with the adjoining national forest lands.

Then he continues that it would be impracticable to open up these lands without destroying the whole purpose of the bill, and in the proviso it is stated:

That the Secretary of Agriculture may, in his discretion, list limited tracts when in his opinion such action will be in the public interest and will not be injurious to other settlers or users of the national forest.

Mr. LEAVITT. I will state to the gentleman that the amendment at the end of the bill is an amendment which I accepted rather against my own wishes. I introduced the bill without that amendment.

Mr. LAGUARDIA. It takes away all protective measures which the bill may give to the purpose you have in mind.

Mr. LEAVITT. My understanding is that there was one application pending at the time this bill was introduced, under the act of June 11, 1906, and it was the feeling in the Forest Service that they were under some obligation to take care of an application for a homestead that was already pending, but within the last week I have been informed that they intend to grant that one pending application, and it would seem to me that would remove the necessity for the amendment.

Mr. LAGUARDIA. Let us strike it out. If we are going to have a conservation measure, let us have one.

Mr. LEAVITT. That is very satisfactory to me.

Mr. LAGUARDIA. Coming from the public-land section of the Borough of Manhattan, I will move to strike it out.

Mr. LEAVITT. I will be very glad if the gentleman will do that.

Mr. LAGUARDIA. I shall do it.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to know, for the information of the House, the purpose of striking out the proviso as recommended by the committee.

Mr. LAGUARDIA. Because it conflicts with the very purpose of the bill.

Mr. LEAVITT. I would say that the conflict is not very serious, but, in my judgment, the amendment is not necessary to meet the situation as it exists on the ground.

Mr. O'CONNELL of New York. This bill excepts certain lands and then gives them the right to enter them, does it not?

Mr. LEAVITT. The amendment at the end of the bill as it was originally written, might have that effect, if it were improperly administered, but I have no doubt it would be administered in such a way as not to defeat the original purpose. I would prefer not to have such an amendment, but I accepted it because I have full confidence it would not be abused.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act no applications may be accepted by the Secretary of Agriculture for the classification and listing of any land in the Custer National Forest for homestead entry under the provisions of the act of June 11, 1906 (34 Stat. 233; U. S. C., title 16, sec. 506), nor shall any lands be so classified for entry under the provisions of the act of August 10, 1912 (37 Stat. 269-287).

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAGUARDIA. The matter in italics is the committee amendment?

The SPEAKER pro tempore. Yes.

Mr. LAGUARDIA. That will be presented to the House as a matter of course?

The SPEAKER pro tempore. There will be a vote on the committee amendment. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, after the figures "287" insert the following:

"Provided, however, That the Secretary of Agriculture may, in his discretion, list limited tracts when in his opinion such action will be in the public interest and will not be injurious to other settlers or users of the National Forest."

Mr. LAGUARDIA. Mr. Speaker, in opposition to the committee amendment, I simply want to point out to the House the fact that this proviso destroys the very purpose of the bill.

After withdrawing certain lands, we open it up again by giving the Secretary discretionary power to again list, and the gentleman from Montana [Mr. LEAVITT] has pointed out there is one application which the department had in mind which no doubt will be patented before this bill becomes a law. Therefore if you are in favor of the bill, it seems to me wise legislation would suggest the striking out of the proviso.

Mr. COLTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. COLTON. This amendment was suggested to take care of one or two cases where it was felt equity might require that certain rights should be recognized. I feel sure that even with the amendment, it would not do what the gentleman thinks it would, because the department is very much in sympathy with the legislation and will interpret the statute very strictly. Still, I do not see any objection to the removal of the amendment if these cases may be taken care of under existing law.

Mr. LEAVITT. I will state in that regard that I was informed within the last week or so it is the intention of the Forest Service to recommend to the Secretary of the Interior, through the Secretary of Agriculture, that this one application be allowed and the land involved listed. Outside of that, I know of no areas that might in the future require this amendment.

Mr. LAGUARDIA. Then the purpose of the bill would be better carried out without the amendment.

Mr. LEAVITT. In my judgment, it would.

Mr. COLTON. If the case has been removed, I see no purpose in attaching the committee amendment.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COLUMBIA ARSENAL PROPERTY, MAURY COUNTY, TENN.

The next business on the Consent Calendar was the bill (H. R. 2156) authorizing the sale of all the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, when we had this bill before the House on May 8, 1928, it contained a limitation on the cost of these experts and I notice this bill now does not contain that limitation, but provides that all the expense must be deducted before the amount is deposited in the Treasury of the United States. Will the gentleman state why the \$100 limitation was eliminated from the bill?

Mr. ESLICK. There will be, as I understand, absolutely no cost except for the preparation of the deed.

Mr. LAGUARDIA. Then we should strike out everything after the word "fund" in line 23, of page 3, of the bill.

Mr. ESLICK. That is perfectly satisfactory to me.

Mr. LAGUARDIA. The gentleman will recall that we had this bill up two years ago.

Mr. ESLICK. Yes.

Mr. LAGUARDIA. We thought the whole thing was settled at that time, and now it comes back to us.

Mr. ESLICK. It passed the House too late to reach the Senate in time for passage there.

Mr. LAGUARDIA. I thought it was passed.

Mr. STAFFORD. The bill was passed.

Mr. ESLICK. It passed the House.

Mr. LAGUARDIA. It was enacted into law.

Mr. ESLICK. No; not this bill.

Mr. STAFFORD. I do not wish to misrepresent the matter. The bill was passed by the last Congress authorizing the disposition of this property for the sum of \$30,000.

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. That was simply what was considered then as the appraised value of the land without having any appraisal of the buildings thereon. Now it is proposed to sell this land to this private educational institution for the sum of \$10,000, the appraised value being twenty thousand and some odd dollars.

Mr. LAGUARDIA. I think all we are selling is the reversionary rights.

Mr. ESLICK. Yes. Here is the sum of it. Originally the bill provided for the appraisal of the fee of the land and it was appraised by a real-estate board, which appraised the value of the land in fee at \$30,214. By the original act in 1904 this land was conveyed to the Columbia Military Academy in fee with certain limitations, the right of visitation by the Secretary of War, the right to prescribe the military curriculum, and in case it ceased to be used as school property, there was a reversionary right in the Government.

Mr. LAGUARDIA. That is all the title we have then, is it?

Mr. ESLICK. Yes.

Mr. HOOPER. Will the gentleman yield for a question?

Mr. ESLICK. Certainly.

Mr. HOOPER. Was this appraisal mentioned on the second page of the report, an appraisal by the presidents of three banks in Columbia and three real-estate men, an official appraisal, or a voluntary appraisal, or just what was the character of the appraisal?

Mr. ESLICK. Knowing the property as I did, I made the request of the presidents of three of the banks there that they select the three leading real-estate men and that the six men make the appraisal.

Mr. HOOPER. And the gentleman himself knows all the men who made this appraisal?

Mr. ESLICK. Every one of them. They are high-class men. They are the presidents of the three banks of the town of Columbia and the three leading real-estate men there.

Mr. HOOPER. I would be satisfied with the gentleman's choice in that matter.

Mr. ESLICK. I want to make the further statement that while this is a school corporation the land was originally purchased by the citizens of Columbia and given to the Government. An arsenal was established on it with nine buildings, largely just the walls of the buildings, and there was one in the nature of a residence that the officers used as headquarters.

In 1904 the Government was ready to vacate the property, and an act was passed giving the fee of the land to this corporation. The people of Columbia put up something like \$100,000 to revamp this property. They put in a lighting plant,

swimming pool, and from nothing it has grown to an institution of 200 pupils scattered over twenty-odd States of the Union, and the purpose now is to refinance and enlarge the institution.

Mr. HOOPER. And does the gentleman himself consider the sum of \$10,000, which is the sum mentioned in the bill, adequate under all the circumstances?

Mr. ESLICK. For the rights of the Government?

Mr. HOOPER. Yes.

Mr. ESLICK. I would hate very much myself to give that price. I think it is a full price.

Mr. STAFFORD. Mr. Speaker, reserving further the right to object, the gentleman in his explanation of the purpose of this bill stated there were three reservations in the original declaratory act.

Mr. ESLICK. Yes.

Mr. STAFFORD. On examination I find that one of these reservations was that the property should be continued in use for school purposes.

Mr. ESLICK. Yes.

Mr. STAFFORD. Would the gentleman be willing to have the reservation continued in this bill, because we are virtually giving away the property.

Mr. ESLICK. Not giving away the property.

Mr. STAFFORD. It was originally appraised for \$30,000, and then by private appraisal it was reduced to \$23,450, without any consideration being given for the buildings, which must have had some value. When the movers came before Congress in the Fifty-eighth or Fifty-ninth Congress it was provided that it should be continued to be used for school purposes. Now we are making a gift of this property for \$10,000 when it was appraised at \$23,450, without any reservation that it should be continued for school purposes.

Mr. ESLICK. The purpose is to buy whatever right the Government has in this property so that they can realize enough to put up other buildings and equip them for school purposes on a larger scale.

Mr. STAFFORD. Then why should they object to continuing the reservation that it shall be used for school purposes?

Mr. ESLICK. Because they could not borrow money unless the Government interest is released.

Mr. CRAMTON. The gentleman from Wisconsin is comparing the price of \$10,000 with the present appraised value. What is that appraisal value on this property? Is it the value of the Federal Government's interest in it? As I understand, we have nothing but an uncertain reversionary interest, an interest that may never come into being.

Mr. STAFFORD. Originally the Government had full title, and an appeal was made in the Fifty-eighth or Fifty-ninth Congress to turn over this piece of property acquired for war purposes for another use, and this private military academy wished to use it for school purposes. The last Congress authorized it to be turned over for \$30,000, but on further investigation the owners thought it was too high and they had a private appraisal and that appraisal fixed it at \$23,450.

Mr. CRAMTON. Was that the value of the land or of our interest in it?

Mr. STAFFORD. The value of the land, but not the buildings.

Mr. LAGUARDIA. The proposition is this: First, the appraisal value of the property was submitted.

Mr. STAFFORD. Merely the land.

Mr. LAGUARDIA. It was discovered that we had a reversionary interest in the land, and that is the appraised value of the right to recapture the property.

Mr. ESLICK. Since 1904 this property has not cost the Government a penny. The local people have spent more than \$100,000 of their own money in revamping the property for school purposes. It is operated under an eleemosynary school charter. The purpose is not for individual gain.

Mr. STAFFORD. As soon as you pass this bill they would have the right to sell it for any purpose whatever.

Mr. DOUGLAS of Arizona. They want a clear title so that they will be enabled to mortgage the property.

Mr. LAGUARDIA. As soon as this reversionary right is canceled they could sell it.

Mr. DOUGLAS of Arizona. They would have the absolute right to sell it, and that right is necessary in order that they may mortgage the property. Otherwise the mortgage would not be worth anything. As I understand the situation, this school is contemplating an issue of bonds for the purpose of enlarging its educational facilities. If title does not pass they will be unable to mortgage the property.

Mr. ESLICK. This is one of the biggest assets of this splendid town. They are very proud of it. The purpose is to enlarge the institution and make it one of the really great preparatory military schools.

Mr. STAFFORD. Mr. Speaker, I realize the potency of the argument made by the gentleman from Tennessee [Mr. ESlick], reinforced by the statements of the gentleman from Arizona [Mr. DOUGLAS], that if we pass this with a limitation that it should be used only for school purposes it might impair the opportunity of people getting a loan on the property. Therefore I shall not press the amendment that I have prepared. I thought as we are virtually giving them this property—

Mr. ESlick. Oh, no.

Mr. STAFFORD. Oh, in the original act we virtually gave them a valuable property; first, the right to use the property down there without any return, and after they have used that property for years they are now coming at this late hour and asking us to turn over all our rights without reservation at all for the paltry sum of \$10,000; but because it is used for educational purposes I shall not press my amendment.

Mr. LAGUARDIA. And the gentleman from Tennessee will accept the amendment as to the \$10,000?

Mr. ESlick. Yes.

Mr. O'CONNELL of New York. What is the amendment?

Mr. LAGUARDIA. Page 3, line 21, to provide for the entire payment into the Treasury of the United States without any expense to the Government.

Mr. ESlick. That is satisfactory.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, I have no objection to the passing of title, but I am not at all convinced that the appraised valuation of \$10,000, which is the valuation imposed upon whatever rights the United States may have in the property, is adequate. Therefore I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PARTIALLY FILLED FOOD CONTAINERS

The next business on the Consent Calendar was the bill (H. R. 8) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a rather important bill to be considered on the Consent Calendar. I see the chairman of the Committee on Agriculture, the gentleman from Iowa [Mr. HAUGEN] is present, and I am very glad to give him an inning to explain the real purpose of the bill. What disturbs me most is that provision that delegates to the Secretary of Agriculture the right to fix the form of the containers, a rather arbitrary right to be exercised by a bureaucrat of the Government.

Mr. O'CONNELL of New York. Mr. Speaker, I think this is a bill such as we had here along the same lines a few moments ago and that it is of sufficient importance to come before the House in another way. I think it ought to go over without prejudice.

Mr. HAUGEN. The bill has already passed the House twice, in 1921 and also in 1928. The purpose of the bill is simply to protect the public against deception. As shown in the report, in many instances these containers are only one to two thirds filled. It is for the purpose of the protection of the consumer.

Mr. STAFFORD. Everyone wants to protect the consuming public, but has not the department to-day the right to determine that there shall be placed on the container the amount of the contents, and that there can not be any variation, except for tolerance?

Mr. HAUGEN. Here is a package which I show you, a container which is less than one-third full. Our people buy by appearance, and not by the mark.

Mr. LAGUARDIA. I want to point out to my colleague from New York that this bill is for the benefit of the consumers, because there are a lot of trick containers that appear on shelves of grocery stores, and when the consumer buys the package he finds it contains much less than he thought he was buying.

Mr. O'CONNELL of New York. I am not objecting to the bill upon that ground. I think it is of sufficient importance to come before the House in another way.

Mr. LAGUARDIA. I hope the gentleman will not object.

Mr. PURNELL. If the gentleman will permit, this bill has already passed the House twice. It has had ample consideration both in the committee and in the House itself.

Mr. LAGUARDIA. For instance, this bottle which I hold in my hand you often see on the shelves. The sides of it are indented and the contents amount to very little.

Mr. PURNELL. The public is deceived. Our committee has given a great deal of attention to this matter.

Mr. O'CONNELL of New York. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is amended:

(a) By striking out the period at the end of paragraph "Second," in the case of food, and inserting in lieu thereof a semicolon, and adding thereafter the following clause: "or if it be in a container made, formed, or shaped so as to deceive or mislead the purchaser as to the quantity, quality, size, kind, or origin of the food contained therein"; and

(b) By adding at the end thereof a new paragraph to read as follows:

"Fifth. If in the package form, and irrespective of whether or not the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, as provided in paragraph 'Third,' the package be less than filled with the food it purports to contain in such a manner as to deceive or mislead purchasers. In construing and applying this provision reasonable variations shall be permitted and also due allowance shall be made for the subsequent shrinkage or expansion of the food which results from a natural or other cause beyond reasonable control."

Sec. 2. Such act of June 30, 1906, as amended, is amended by adding to the end thereof a new section to read as follows:

"Sec. 14. That this act may be cited as the 'food and drugs act.'"

Sec. 3. No fine, imprisonment, confiscation, refusal of admission or delivery, or other penalty shall be enforced for any violation of this amendatory act occurring within six months after its passage.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 7, after the word "amended," insert "(title 21, sec. 8, U. S. C.)."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL RECEIPTS TO SENDERS OF MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 8569) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THREE BRIDGES ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (S. 2763) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. COCHRAN of Missouri. Reserving the right to object, Mr. Speaker, I would like to know why the gentleman desires to pass over a bill to build free bridges?

Mr. DENISON. Free or toll bridges. The object is to give me an opportunity to have a conference with the author of the bill.

Mr. COCHRAN of Missouri. The House passed a bill the other day providing for toll bridges alone. This bill provides for free or toll bridges in the same locality, to be constructed by the municipalities.

Mr. DENISON. I hope the gentleman will not try to put me in a false position.

Mr. COCHRAN of Missouri. I think we should have a chance to get a free bridge, not a toll bridge.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FRATERNAL AND BENEVOLENT CORPORATIONS

The next business on the Consent Calendar was the bill (H. R. 7701) to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I asked that this bill be passed over on the last consent day. I think the Record ought to show by a statement from the sponsors of the bill that it is only for the purpose of amending charters heretofore granted by Congress. It establishes no precedent for the establishment of an insurance company by Congress.

Mr. PURNELL. As sponsor of the bill, Mr. Speaker, I will say that the gentleman from New York has in a general way stated its purpose. The object is clearly set out in the title of the bill. This is the only tribunal to which this particular organization may come, since it was created by special act of Congress. The bill grants them no special privileges. The foresight of the order—Knights of Pythias—in seeking to protect its policyholders, as well as prepare for the future, is most commendable.

Mr. LAGUARDIA. When it establishes a separate insurance department it will have to apply to and qualify first before the superintendent of insurance of the District of Columbia, and, of course, the superintendent of insurance in each State?

Mr. PURNELL. Certainly; and before that point is reached, I will say to the gentleman from New York, it is necessary for the supreme legislative body itself to pass upon it.

Mr. UNDERHILL. I understand the gentleman from Indiana has a perfecting amendment?

Mr. PURNELL. Yes. I will say to the gentleman from Massachusetts that the gentleman from New Jersey [Mr. FORT] engaged in the debate the other day on this subject, and I discussed the matter with him this morning. I see the gentleman from New Jersey is here, and he can make his own statement. I will let the gentleman do it, because he can do it better than I can. The gentleman from New Jersey suggests that on page 3, section 3, lines 20 and 21, the word "shall" be changed to "may."

Mr. WINGO. In line 18 it says "shall examine."

Mr. PURNELL. I think the "shall" there should be left as it is. The superintendent should examine the certificate, but he "may" approve the same, and he "may" issue the necessary certificate showing compliance.

Mr. WINGO. In other words, line 20, instead of saying "he shall," you suggest that we should say "he may"?

Mr. PURNELL. Yes.

Mr. WINGO. And in line 21 "he may"?

Mr. PURNELL. Yes.

Mr. WINGO. Now will the gentleman allow me to make a statement of the facts which some of the Members who have been objecting to this bill have asked me to make for the Record?

Mr. PURNELL. Certainly.

Mr. WINGO. This bill does not grant a special charter to a life insurance company. Congress has already granted a charter to fraternal and benevolent corporations. If I had been a Member at that time I would have opposed it as I am opposed to special charters by Congress. This simply authorizes an amendment to the charter whereby some of the original evil in granting a special charter will be cured. If the supreme body of the order shall see fit, then they go to the District superintendent of insurance and file an application for a certificate as provided for here. If the District of Columbia insurance commissioner is satisfied and approves it, then he will issue a certificate. The legal effect of it will be that he will, if he approves the certificate filed, grant a charter, and not Congress, to the new corporations which are authorized by this act, and we are thereby getting away from the question of special congressional charter.

You say, "Why not let them do that, as other organizations do?" when you have thousands of policyholders all over the country who have received their policies from an organization acting under an original charter from the Congress. If you undertook to get a charter from the insurance commissioner of the District without special act of Congress specifically amending the original charter act, the question might arise whether the association legally could transfer the existing insurance to a new corporation. Then you have the possibility that some member of the fraternal order would take legal steps to prevent the new corporation using the name of the order without the original charter act being amended so as to permit such use, if the association by proper action permits the use of such name, and the insurance commissioner of the District of Columbia approves.

Now, suppose that charter is granted. If you will examine the bill and the amendment that the committee has reported, you will see that after getting the certificate for the new corporation it will have to go to every insurance commissioner in the United States, just as if they went on an original petition to the insurance commissioner to get a new charter. They have to comply with the laws of all the States, including the taxing laws. They are put upon terms of equality with every other mutual, legal-reserve life-insurance company of the United States.

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. STAFFORD. Does the gentleman recall the veto of the late President Harding to the special charter incorporating the Masonic Insurance Co.?

Mr. WINGO. Yes.

Mr. STAFFORD. And the reasons he advanced why Congress should not grant a special charter to that private association?

Mr. WINGO. Yes.

Mr. STAFFORD. Does the gentleman distinguish between that act of Congress and this bill?

Mr. WINGO. I do make a very clear distinction. The original error was in Congress granting an original charter. The insurance business is existing under that original charter. This, to a certain extent, will repair that original error of Congress, by requiring them to go to the insurance commissioner of the District of Columbia and there get a certificate to enable them to do business under the new corporation created by the act of the commission and not by Congress.

Mr. FORT. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. FORT. As I understand it, the original charter of this organization reserves to Congress the full power of amendment of the charter at any time?

Mr. WINGO. Yes; and this bill reserves that right to alter, amend, or repeal.

Mr. FORT. And that will be safeguarded in the passage of this bill, because this does not grant a new charter. We therefore have full power to stop abuses if any abuses ever develop thereunder.

Mr. WINGO. There is no question in my mind about it. I have been exceedingly careful to guard against the very things that are in the minds of some of the gentlemen, and I told the officers of the order that I would not care to stand on the floor of this House and ask for any bill that granted any special privilege at all. I would like to get the insurance business out from under a congressional charter to one that is based upon a certificate of the District of Columbia.

Mr. UNDERHILL. Will the gentleman yield?

Mr. WINGO. Yes; I yield.

Mr. UNDERHILL. The main thing to emphasize is that this does not establish a precedent for some other organization or group of individuals to come to Congress and ask for a congressional charter. There is no intent on the part of the gentleman or of Congress to establish such a precedent?

Mr. WINGO. Absolutely none. No group of men and no fraternal order can ever come to Congress in the future and say "You did this for the Knights of Pythias; you have to do it for us," because it does not grant any special charter to an insurance company. That charter was granted by the prior act of Congress.

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. STAFFORD. I think we should have some explanation from the gentleman from New Jersey as to the purpose of his amendment. On the last consent day he had this bill go over because it was a matter that referred to insurance.

Mr. FORT. The reason I asked for it to go over was that the bill as drawn made mandatory the approval of the cer-

tificate by the superintendent of insurance, and made mandatory his issuance of a certificate of such approval merely upon being satisfied of the truth of the matters in the application. It reserved to him no discretion whatever in the public interest. The amendment which I suggested will substitute the word "may" for the word "shall" in two places, so as to reserve to the superintendent of insurance of the District of Columbia discretionary power to examine into all of the facts and circumstances and determine whether it is in the public interest that the charter should be permitted to be changed.

Mr. WINGO. Will the gentleman yield?

Mr. FORT. I yield.

Mr. WINGO. It will leave absolute discretion in the insurance commissioner the same as he would have if it were an original application, and the only thing we do is, having granted the original charter, to authorize those original people to go to the District Commissioner and, if he is satisfied, then he may grant a charter certificate to the new corporation.

Mr. FORT. Exactly. My view, if the gentleman from Wisconsin is interested, is, that while it seems to me perfectly clear that in this particular case the power should be exercised, there might be special charters of a hundred years ago, of which we know nothing, where this language would enable the commissioner to control in the public interest.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That any corporation heretofore organized by a special act of Congress and vested with the powers, rights, and privileges of fraternal and benevolent corporations under the laws of the District of Columbia and engaged in carrying on fraternal activities and fraternal beneficial-insurance activities in which are maintained reserves not lower than the reserves required by the American Experience Table of Mortality with 3½ per cent interest per annum, be, and the same hereby is, authorized and empowered, by a majority vote of its supreme legislative body and with the approval of the superintendent of insurance of the District of Columbia as hereinafter provided, to divide and separate such activities and continue the same as separate and distinct corporations in the manner set forth in the following sections thereof:

SEC. 2. A certificate under the seal of said corporation shall be filed in the office of the superintendent of insurance of the District of Columbia and which certificate shall set forth the facts as follows:

(a) That said corporation is organized under special act of Congress giving appropriate reference thereto.

(b) That said corporation is engaged in carrying on fraternal activities and fraternal beneficial-insurance activities, with appropriate detailed information touching each of such activities, including the name of the corporation, its officers, numbers, and classes of membership, benefits carried, and other similar appropriate information.

(c) That the fraternal beneficial-insurance activities of said corporation maintain reserves not lower than the reserves required by the American Experience Table of Mortality with 3½ per cent interest per annum.

(d) That the supreme legislative body, at a regular or duly called special convention thereof, had, by a majority vote, authorized the division and separation of its activities and the amendment of its charter, under this act.

(e) That the name under which the fraternal activities of such corporation shall be hereafter carried on shall be "_____."

(f) That the name under which the insurance activities of such corporation shall be hereafter carried on shall be "_____."

(g) That until otherwise designated by its directors, its principal office shall be at _____.

(h) That until otherwise provided the number of its directors shall be nine, and that until their successors shall be elected the names of such directors shall be _____.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word.

I wish to inquire of the author of the bill whether he has any prior knowledge as to the proposed name of this fraternal insurance company?

Mr. PURNELL. No; I have not.

Mr. STAFFORD. You will recall that the late President Harding vetoed the Masonic Insurance Corporation bill because it adopted the name of the Masonic fraternity. The purpose was accomplished indirectly by a subsequent bill which incorporated it under the name of "Acacia." I understand that name has a particularly significant meaning among the Masonic fraternity. Not being a member of the Masonic fraternity, I can not speak thereof; but I am inquiring, as we leave the determination of the name that the insurance company shall bear to the grand lodge of the Knights of Pythias, whether there is any name which they have already decided upon?

Mr. PURNELL. As far as I know, I will say to the gentleman, that matter has not been determined.

Mr. STAFFORD. Would the objection of President Harding to Congress recognizing in a private insurance company the use of the name of a fraternity be applicable to the insertion of a name connected with the Knights of Pythias?

Mr. PURNELL. Of course, the gentleman does not want to fix the name for an insurance company on the floor of the House.

Mr. STAFFORD. No; but I should think the grand lodge should determine in advance the name that would be used, and not leave it in this form, to allow them to insert any name.

Mr. LaGUARDIA. In all likelihood they will use their name.

Mr. PURNELL. I will say that I do not know of any more patriotic organization in the world than the Knights of Pythias, nor do I know of any that will follow the spirit of the law more faithfully if the bill is enacted into law.

Mr. STAFFORD. No word that I have used challenges the patriotism of the Knights of Pythias. I only call attention to the bad practice of passing a law and delegating to some other private party a name under which the insurance company might do business.

Mr. O'CONNELL of New York. I am not going to object to the bill, but this is the first instance that I remember, where we have had a situation like this, where neither the place at which they are going to meet nor the name of the lodge is given.

Mr. LaGUARDIA. That is customary where in the act we prescribe the form. We do it very often in our laws in the State of New York. Where we prescribe the form to be used, then, of course, the names are in blank.

Mr. STAFFORD. We have never done it—and my acquaintance runs back quite a number of years—in the passage of any act of Congress.

Mr. LaGUARDIA. This simply prescribes the form.

Mr. PURNELL. It would not be proper to set out the name in this section 2, because that is merely the form to be followed.

Mr. STAFFORD. No. This is the very place, because the language is:

That the name under which the fraternal activities of such corporation shall be hereafter carried on shall be "_____."

This is the very place to set it out.

Mr. PURNELL. But that is simply the form to be followed. There may be a dozen other companies or organizations similarly affected. I only know of one, however, but there may be others.

Mr. BURTNESS. May I suggest that this bill is not a special act for one special concern. It is general in its terms. It may be true there is only one fraternal organization that comes within its terms, but this is general legislation.

Mr. PURNELL. That is merely a form to be followed when the occasion arises.

Mr. STAFFORD. But there is only one fraternal body in mind, because if we had others in mind we probably would not permit it to pass by unanimous consent. We are given the assurance that it is exceptional and that this bill is not to be established as a precedent.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 3. The superintendent of insurance of the District of Columbia shall examine such certificate, and if satisfied of the truth of the matters set forth in such certificate the superintendent of insurance shall approve the same and shall issue his certificates showing compliance herewith, which certificates shall be recorded in the office of the recorder of deeds for the District of Columbia, and such certificates when so issued shall be conclusive evidence that such corporation has complied with all of the requirements of this act as conditions precedent to the separation and division of its activities as herein provided.

Mr. FORT. Mr. Speaker, I move to strike out, on page 3, line 20, the word "shall" and substitute the word "may," and on page 3, line 21, strike out the word "shall" and substitute the word "may."

The SPEAKER pro tempore. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FORT: Page 3, line 20, strike out the word "shall" and insert in lieu thereof the word "may."

Page 3, line 21, strike out the word "shall" and insert in lieu thereof the word "may."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That from and after the issuance of such certificates by the superintendent of insurance the fraternal activities and the fraternal beneficial insurance activities of such corporation shall be divided and separated; and

(a) All of the fraternal activities of said corporation shall continue unchanged under the name chosen therefor in such certificate, which may be the name of the original corporation or any other name chosen therefor, and in it shall remain vested, without the necessity for any further act or deed, all of the fraternal powers, activities, and functions, as well as the title, ownership, possession, and control of all property, both real and personal, and all rights, claims, contracts, and privileges connected with and belonging to such fraternal activities; and it shall be subject to and assume, carry out, fulfill, and pay all liabilities, obligations, responsibilities, and contracts connected therewith.

(b) All of the insurance activities of said corporation shall continue, under the name chosen therefor in such certificate, as a mutual legal reserve life insurance corporation, and in it shall remain vested without the necessity for any further act or deed all of the fraternal beneficial insurance powers, activities, and functions thereof as well as the title, ownership, possession, and control of all property, both real and personal, and all rights, claims, contracts, and privileges connected with and belonging to such insurance activities; it shall be absolved and relieved from any and all responsibility, obligations, and liabilities connected with the fraternal activities of the mother corporation, and shall be subject to and assume, carry out, fulfill, and pay all liabilities, obligations, responsibilities, and contracts connected with and arising from such insurance activities; it shall have authority to make all and every insurance and reinsurance appertaining to or connected with life, accident, health, and disability risks of whatever kind or nature and to grant, purchase, or dispose of annuities and to furnish any aid or service to promote the health or safety of its members or their beneficiaries; such activities to be carried on and conducted for the mutual benefit of its members and their beneficiaries and not for profit, subject to the supervisions imposed by the law of the District of Columbia relating to mutual legal reserve life insurance corporations; that the number of directors shall be fixed by the by-laws and shall be at least nine, who shall be elected by the insured members; the terms of the directors shall be three years from the date of their election, and such directors may be classified so that their terms shall not all expire at the same time; the election shall be held annually, and such directors shall elect the president and other officers and shall have power to make and promulgate such by-laws, rules, and regulations as may be deemed necessary and proper for the elections herein provided and for the disposition and management of the business, funds, property, and effects of said corporation and shall be vested with the control and supervision of all of the business affairs of said corporation; and said corporation shall have all the powers, rights, and privileges now or hereafter held and exercised by mutual legal reserve life insurance companies within the District of Columbia; in any action or suit by or against such corporation the policies, certificates, and other evidences of insurance obligation issued and executed by the mother corporation shall be admissible in evidence without further proof, and shall constitute prima facie evidence of the same obligations against said corporation as against such mother corporation.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I do this for the purpose of directing the attention of the sponsor of the bill to the necessity of having a comma after the word "responsibility" on page 5, line 5. It now reads:

And all responsibility obligations—

And so forth.

Mr. Speaker, I offer an amendment. On page 5, line 5, after the word "responsibility" insert a comma.

Mr. LAGUARDIA. We accept that amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 5, line 5, after the word "responsibility," insert a comma.

Mr. STAFFORD. Mr. Speaker, I wish to again direct the attention of the author of the bill to the need of inserting some special language as to the name that this corporation shall bear rather than merely leaving it blank in the bill. It has been called to my attention by the distinguished legislator from Virginia [Mr. MOORE] that this is a bad method of legislating, and that there should be some language inserted in the bill. I would suggest this language:

Shall be such name as shall be adopted by the supreme legislative body.

Or whatever other body may select the name. It is very shiftless legislation to just leave the name blank in the bill. We do not provide in the bill that the name shall be such as may be determined upon or adopted by the proper legislative body of the fraternal organization. I am now referring to the matter I directed attention to a few moments ago, found on page 3 of the bill, where there are various blanks in the bill for the insertion of the proposed name of the insurance company.

Mr. PURNELL. The only thing I know to say to the gentleman is what I said previously—that this section merely sets out the form which is to be followed.

Mr. STAFFORD. But what is the name to be? We do not authorize by this legislation that the corporation or legislative body shall fix the name. Take, for instance, paragraph (e), on page 3, which reads:

That the name under which the fraternal activities of such corporation shall be hereafter carried on shall be "-----."

It has been proposed by the gentleman from Mississippi [Mr. COLLINS] that it shall be such name as the board of directors shall determine. While it is a formal amendment, I think it is quite important.

Mr. PURNELL. I still do not see the necessity of it, because this is merely the form to be followed.

Mr. STAFFORD. Where is the authority in this enabling act to authorize any body connected with this fraternal organization to adopt a name? It is presupposed by the blank that they are to fill in the name, but let us give the subordinate body the right to determine the name.

Mr. LAGUARDIA. As I understand it, if the gentleman will permit, heretofore an act of Congress created this order and under that act of Congress, among other powers and privileges which they had, they had the right to engage in the insurance business. This bill permits this organization or any other organization heretofore created by an act of Congress to separate their insurance activities if the supreme body of the order so decides. In that event they shall certify certain facts mentioned in the bill to the superintendent of insurance, and that is all this is.

Mr. STAFFORD. There is no provision here that I find that would authorize the selection of a name.

Mr. LAGUARDIA. That is indicated in the very form itself.

Mr. BURTNESS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BURTNESS. While this may not be the very best draftsmanship in the world, yet what do paragraphs (a), (b), (c), (d), (e), (f), and so on, amount to? They are simply put in there under the general language found in section 2 for the purpose of describing the certificate that is to be filed in the office of the superintendent of insurance. Section 2 reads:

A certificate under the seal of said corporation shall be filed in the office of the superintendent of insurance of the District of Columbia and which certificate shall set forth the facts as follows.

Then they go on and set out in paragraphs (a), (b), (c), and so forth, the form which that certificate is to take. It may not be necessary to set out the form with this detail, and the person who drafted this bill could simply have said that the certificate should properly include the specified facts, without pretending to set out the actual form that the certificate should take. Here we have a general law and it provides the form of the certificate which, in theory at least, may be used by any company that comes within the general provisions of the bill, and it would be absolutely impossible to put any specific name in these forms as given in the proposed legislation.

The SPEAKER pro tempore (Mr. MICHENER). The time of the gentleman from Wisconsin has expired.

Mr. WINGO. Mr. Speaker, I ask for recognition for just a moment. There are two forms you will find in the State statutes providing for application for corporation charters, and one follows the form you have here. The other form, I think, is perhaps better. It would be more condensed and would say that the certificate should set out the name and all these other things mentioned here; but the way we have it now I think the gentleman will come to the conclusion, if he will study it, that it leaves some discretion not only in the supreme legislative body of the parent order but we will have some control over what is to be the name of the insurance corporation that is going to take over this insurance business; and in addition, under section 3, as amended by the amendment suggested by the gentleman from New Jersey [Mr. FORT], which I favor, discretion will still be left with the insurance commissioner of the District of Columbia, who has to approve the certificate, and if he objects to the name or to any other thing, he will still have the same discretion he would have if a group of individuals seeking to form a new company made such an application to him. So I think it would be better to pass the bill just as it is, on that point.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. The amendment was agreed to.

The Clerk read as follows:

SEC. 5. The proceedings in the act provided, including the amendment of the charter, the issuance of the certificates by the superintendent of

insurance, the division of assets and liabilities, or any other act done hereunder, shall not be or constitute a dissolution of the original corporation, but the resulting corporation shall, so separated and divided, be continuations thereof and under the names as herein authorized, be separate legal entities, and the insurance corporation herein provided for shall be subject to supervision, regulation, and control as a mutual legal reserve life-insurance corporation.

SEC. 6. Nothing contained herein and nothing done hereunder shall impair or operate to impair the obligations of any contract; and this act and any certificate issued hereunder shall be subject to the power of Congress to alter, amend, or repeal at will.

With the following committee amendment:

Page 7, line 8, insert a new section as follows:

"SEC. 7. Such corporation shall be subject to all the laws of the respective States, including the District of Columbia, with respect to similar mutual legal reserve life-insurance corporations."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMPACTS BETWEEN THE STATES OF COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 202) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, there are a few questions I would like to ask—

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PINE RIDGE INDIAN RESERVATION, S. DAK.

The next business on the Consent Calendar was the bill (H. R. 9306) to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill proposes to give the bureau authority at any time, and perpetually, to make per capita payments to these Indians.

As a general proposition I am opposed to these per capita payments, although I recognize that at times some good may be accomplished by them. I am wondering if the gentleman from South Dakota [Mr. WILLIAMSON] would be willing to limit this authority with regard to the amount of the payment. As I understand it a large payment is not contemplated this year.

Mr. WILLIAMSON. Mr. Speaker, in this connection I may state that a delegation of the Pine Ridge Indians was here in Washington some time ago and went over this whole matter with the Indian Bureau. At that time it was mutually agreed that the per capita payment should not exceed \$7.50 and that it would be better to ask for general authority to permit the Secretary of the Interior to grant such payments in the future. I have no objection to putting in a limitation of \$7.50 per capita.

Mr. CRAMTON. I do not believe in such general authority, but as the amount is small and the gentleman expresses a willingness to accept this limitation, I will offer such an amendment when the bill is read.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LAGUARDIA. Just what good does the payment of \$7.50 do? I am asking merely for information.

Mr. CRAMTON. There is always a question as to how much good is done by a per capita payment. I am inclined to think that the larger the per capita payment the less good is done. But I understand there will be some purchase of seed that may be really helpful. In the payment of large amounts they hustle around and spend it and are no better off than they were in the first place.

Mr. WILLIAMSON. I wish to say that Indians are a good deal alike—the Indians all over the country. They have not the faculty of conserving their supplies for future use, and the result is that when spring comes along they are left without seed or the means to purchase seed. Unless they can get a small amount of money they can not procure the seed, and we

want to give the Secretary of the Interior authority to advance the Indians a small amount. A family of three or four people will get three or four times \$7.50, which will be sufficient to enable the head of a family to put in a crop.

Mr. LAGUARDIA. And this puts the Secretary of the Interior in a position where he can make small payments from time to time.

Mr. WILLIAMSON. Yes; from time to time.

Mr. HOOPER. But there is no guaranty that it will be spent for seed.

Mr. WILLIAMSON. The Commissioner of Indian Affairs will take care of that through the agency office.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such rules and regulations as he may prescribe, to make reasonable per capita payments to the Indians of the Pine Ridge Reservation from their tribal funds on deposit in the Treasury of the United States under the act of May 27, 1910 (36 Stats. L. 442).

Mr. CRAMTON. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

In line 9, after the parenthesis, strike out the period and insert a colon and add the following:

"Provided, That not to exceed \$7.50 per capita shall be paid in any one year."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PURCHASE OF LAND FOR AN ADDITION TO THE HOT SPRINGS RESERVE, WYO.

The next business on the Consent Calendar was the bill H. R. 9562, to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, I would like to ask whether there are interests which conflict with the interests of the Indians who own the 20 acres?

Mr. LEAVITT. Not only possible but probable. With the death of the old Indian woman the land would be sold and might pass into hands of people who would commercialize it.

Mr. HOOPER. And exploit it on account of its being contiguous to Hot Springs.

Mr. LEAVITT. Yes; to the disadvantage of the Indians.

Mr. HOOPER. Will the 20 acres, if purchased and held in trust, entirely inclose the Hot Springs region?

Mr. LEAVITT. Tribal lands are around the Hot Springs, with the exception of these 20 acres, and when that is acquired the tribe will own all the land contiguous to the springs.

Mr. O'CONNELL of New York. Reserving the right to object, the report of the Secretary says that the land is of no value. I wonder how you get a total of \$500.

Mr. LEAVITT. Its value is on account of its location. Just the same as the land on Pennsylvania Avenue is worth more than it may be elsewhere.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated from funds on deposit in the Treasury of the United States to the credit of the Indians of the Shoshone or Wind River Indian Reservation, Wyo., the sum of \$500 to be expended in purchasing 20 acres of land for addition to the Hot Springs Reserve, title thereto to be taken in the name of the United States of America in trust for said Indians.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS KANAWHA RIVER, W. VA.

The next business on the Consent Calendar was the bill (H. R. 9439) to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.

There being no objection to the consideration of the bill, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Kanawha River between a point in or near the town of Henderson, W. Va., and a point opposite thereto

in or near the city of Point Pleasant, Mason County, W. Va., authorized to be built by Henderson Bridge Co., its successors and assigns, by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from March 2, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 9, after the word "approved," insert:

"March 2, 1927, heretofore extended by acts of Congress approved March 14, 1928, and."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. FRANCIS RIVER, ARK.

The next business on the Consent Calendar was the bill (H. R. 9628) granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Lake City, Ark., on State Highway No. 18, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN NEWSPAPERS

The next business on the Consent Calendar was the bill (H. R. 5917) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I wish to present a question of order for the consideration of the Chair.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. LUDLOW. Mr. Speaker, will the gentleman withhold his point of order?

Mr. STAFFORD. I do not wish to waive my rights in respect to presenting the question of order as to whether this bill is properly on this calendar. I will be glad to yield to the gentleman from Indiana.

The SPEAKER pro tempore. The gentleman can make his point of order at any time before consideration of the bill begins.

Mr. STAFFORD. I do not wish to waive any rights I may have, and yet I wish to accord to the gentleman from Indiana any opportunity to explain the bill that he desires.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I reserve the right to object.

Mr. STAFFORD. Then, Mr. Speaker, I am forced to present my point of order. My point of order is that this is a private bill and not properly on the Consent Calendar. It is a bill that seeks relief for private parties for advertising that had been done at the request of a public official.

Mr. O'CONNELL of New York. This bill is recommended by the Secretary of the Treasury.

Mr. STAFFORD. I have no objection to the merits of the bill. I am raising a question of order as to whether it is properly on the Consent Calendar.

Mr. O'CONNELL of New York. This is not the first time a private bill has been on the Consent Calendar.

Mr. STAFFORD. It is the first time it has been in this Congress.

Mr. UNDERHILL. The policy has been well defined, and I say for the benefit of the gentleman from New York that none of these private bills have ever been put on the Union Calendar in recent years.

Mr. LUDLOW. This bill has to be considered sometime in the House. Why not do it now?

Mr. STAFFORD. Because of the establishment of the precedent. If we establish the precedent now, any Member of the House may be able to put on the public calendar a private bill. We must adhere to some policy in the consideration of legislation.

Mr. LAGUARDIA. It mentions the beneficiaries by name.

Mr. STAFFORD. All private bills provide for the payment of funds from the Treasury. This is not for the reimbursement of moneys to any public official but is for the reimbursement of moneys to individuals who are said to have done some work for the Government. It is like any other private relief bill.

Mr. LUDLOW. It is for reimbursement of honest obligations to certain newspapers.

Mr. STAFFORD. Oh, there are honest obligations incorporated in many private bills on the Private Calendar.

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes. I do not object to the merits of the bill. I am objecting to a private bill being placed on the Union Calendar.

Mr. LAGUARDIA. If the gentleman gets over his point of order, and it remains on the calendar, I am going to object to it.

Mr. UNDERHILL. Mr. Speaker, let me say for the benefit of the Chair that bills of this character heretofore have been placed on the Private Calendar, that is, within at least the last 10 years. Previous to that time I can not say. I think this bill is a fairly good bill, but I shall object very much to establishing the precedent of placing private bills on the Consent Calendar, because it is not fair to the Members who have charge of the private bills to be obliged to be here and follow the Consent Calendar as well as the Private Calendar.

The SPEAKER pro tempore (Mr. MICHENER). As the Chair understands the situation, this bill as originally drafted in slightly different form was on the Private Calendar. It was redrafted and then found its way to the Consent Calendar. Where a bill affects an individual, individuals, corporations, institutions, and so forth, it should and does go to the Private Calendar. Where it applies to a class and not to individuals as such, it then becomes a general bill and would be entitled to a place on the Consent Calendar. In the judgment of the Chair this bill, while affecting a class of concerns, specifies individuals, and for the purpose of the rule the Chair holds that the bill is improperly on this calendar and transfers it as of the date of the original reference to the Private Calendar.

FORT BANKS MILITARY RESERVATION

The next business on the Consent Calendar was the bill (H. R. 6591) authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I object to the granting of a perpetual right of way. My reason for objecting to a perpetual right of way is that if any time in the future the Government desires to sell this property the perpetual right of way would be an incumbrance on the property which can not be wiped out. If we grant a perpetual right of way by act of Congress the permittee gets a special interest in the land to that extent. I suggest that inasmuch as the gentleman has in the bill a proviso which limits the right of way to the restrictions and reservations which the Secretary of War may impose, the difficulty I refer to would be entirely prevented by striking out the word "perpetual."

Mr. HOOPER. Do we not always provide that the land shall be held for municipal purposes?

Mr. LAGUARDIA. I think so.

Mr. UNDERHILL. This does not affect the purpose of the bill. If the reservation were sold it would be subject to those restrictions, and the town would not be obliged to give over to a private individual certain public property which is necessary for the transaction of public business.

Mr. LAGUARDIA. I understand the gentleman will be willing to strike out the word "perpetual," and I give my consent in that event.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet

in said town of Winthrop, Mass., upon such location as the Secretary of War may approve, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation.

Mr. LA GUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 1, line 4, strike out the word "perpetual."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FORT BERTHOLD INDIANS OF NORTH DAKOTA

The next business on the Consent Calendar was the resolution (H. J. Res. 144) authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LA GUARDIA. Mr. Speaker, I object.

The SPEAKER pro tempore. One objection is heard. Is there objection? There not being three objections, the Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to use not to exceed the sum of \$2,000 from the tribal funds of the Fort Berthold Indians of North Dakota in the Treasury of the United States, upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. B-449, including expenses of not exceeding three delegates from said tribes, to be designated by the business committee representing said Indians, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claims, said \$2,000 to remain available until expended.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 30, which is precisely the identical resolution. It is now on the Speaker's desk.

The SPEAKER pro tempore. The gentleman from North Dakota asks unanimous consent to substitute Senate Joint Resolution 30 for House Joint Resolution 144, which is the identical resolution. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate Resolution.

The Clerk read as follows:

Senate Joint Resolution 30

Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to use not to exceed the sum of \$2,000 from the tribal funds of the Fort Berthold Indians of North Dakota in the Treasury of the United States, upon proper vouchers to be approved by him, for costs and expenses already incurred and those to be incurred by their duly authorized attorneys in the prosecution of the claims of said Indians now pending in the Court of Claims, Docket No. B-449, including expenses of not exceeding three delegates from said tribes, to be designated by the business committee, representing said Indians, who may be called to Washington from time to time with the permission of the Commissioner of Indian Affairs on business connected with said claims, said \$2,000 to remain available until expended.

The SPEAKER pro tempore. The Senate joint resolution will be considered as having been read a third time, and passed, and a motion to reconsider laid on the table, and the House resolution of similar import laid on the table.

There was no objection.

DESERT-LAND ENTRIES INCLUDED WITHIN NATIONAL RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 1186) to amend section 5 of the act of June 27, 1906, conferring authority upon the Secretary of the Interior to fix the size of farm units on desert-land entries when included within national reclamation projects.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, I make the point of order that the bill is not properly reported under the Ramseyer rule, and therefore is not properly before the House at this time.

The SPEAKER pro tempore. The Chair finds that the point of order is well taken, and therefore the bill will be recommitted to the Committee on Irrigation and Reclamation to remedy the defect in the report. The Clerk will report the next bill.

MEDICAL OFFICER ASSIGNED AS PHYSICIAN TO THE WHITE HOUSE

The next business on the Consent Calendar was the bill (H. R. 6848) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, to any medical officer below such rank assigned to duty as physician to the White House.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the officer of the Medical Corps, United States Army, or of the Medical Corps, United States Navy, below the rank of colonel or captain, respectively, who is now, or hereafter may be, assigned to duty as physician to the White House, shall have the temporary rank and the pay and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, while so serving: *Provided,* That the officer now assigned to that duty shall have the rank, pay, and allowances herein provided from March 6, 1929, the date of assignment as such.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CLERKS IN THE FOREIGN SERVICE

The next business on the Consent Calendar was the bill (H. R. 9110) for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

REPAIRS TO FORT SAN CARLOS, FLA.

The next business on the Consent Calendar was the bill (H. R. 4502) authorizing an appropriation for repairs to old Fort San Carlos, Fla., and for the procurement and erection of a tablet or marker thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER and Mr. SCHAFER of Wisconsin rose.

Mr. HOOPER. Mr. Speaker, I received to-day a telegram from Mr. YON, who I believe is the author of this bill, asking that it be passed over without prejudice if there was any objection to the bill. I will ask the gentleman from Wisconsin [Mr. SCHAFER] if he will, for the benefit of the gentleman from Florida [Mr. YON], permit me to make the request that it be passed over without prejudice.

Mr. SCHAFER of Wisconsin. I wanted to obtain some information. I do not oppose the bill.

Mr. HOOPER. I thought the gentleman intended to object.

Mr. SCHAFER of Wisconsin. I wanted to find out whether there is any possibility that the State of Florida would make this appropriation. The gentlemen from Florida generally talk in favor of State rights on the floor, except when it comes to prohibition and getting appropriations from the Federal Treasury. I wanted to know if they want State rights to apply in connection with this appropriation bill?

Mr. HOOPER. The gentleman from Florida [Mr. YON] is not here, and I ask that the bill be passed without prejudice.

Mr. GREEN. Will the gentleman yield?

Mr. HOOPER. I yield.

Mr. GREEN. The gentleman from Florida [Mr. YON] was hopeful of passing the bill, I understood.

Mr. HOOPER. The telegram from the gentleman from Florida [Mr. YON] asked me to have it passed over without prejudice if there were any Members here who had objection, and I will state further that the gentleman from Michigan [Mr. CRAMTON] has some question about this bill. He is not here just at this time, and he also asked me to have it passed over without prejudice. Either that will have to be done or I shall have to object.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not think we will ever get rid of a lot of these old forts—

Mr. LAGUARDIA. Mr. Speaker, if the gentleman objects to this request, then I will object to the bill and it will go off the calendar.

Mr. COLLINS. I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. SCHAFER of Wisconsin. Reserving the right to object, I notice that the gentleman from Florida [Mr. GREEN] is interested in this bill. In order that I may have sufficient information when the bill comes up again I would like to ask the gentleman whether the passage of this bill would reflect on the State-rights Members of Congress from Florida, who always talk about State rights on the floor of the House except when it comes to prohibition, and who are generally strongly against State rights when it comes to an appropriation out of the Federal Treasury.

Mr. GREEN. I think it has nothing to do with State rights. It is a matter of keeping up the old forts.

Mr. SCHAFER of Wisconsin. I would like to ask the gentleman if he believes there is a possibility that the State of Florida would appropriate for this proposition if the pending bill is not passed by Congress?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, there is a substantial expenditure from the Treasury, in connection with this bill, and no showing that the bill has been referred to the Bureau of the Budget. I do not think we ought to start that practice. I hope before it comes up again we will have a report from the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that the bill be passed without prejudice?

There was no objection.

SILVER SERVICE, U. S. S. "NORTH CAROLINA"

The next business on the Consent Calendar was the bill (H. R. 7391) to authorize the Secretary of the Navy to deliver to the State of North Carolina the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission).

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I do not know that I have any serious objection to this bill. I believe the report states that the silver service is now in use on another naval vessel.

Mr. WARREN. I will state to the gentleman that while the report says it is now in use on the cruiser *Raleigh*, I think that is in error. The bill, however, is recommended by the department, and it is left in the discretion of the Secretary of the Navy, upon request of the Governor of North Carolina.

Mr. STAFFORD. I believe the silver service was originally purchased by the citizens of North Carolina as a donation to the U. S. S. *North Carolina*?

Mr. WARREN. That is correct.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission) by citizens of the State of North Carolina; but no expense shall be incurred by the United States for the delivery of such silver service.

Amend the title so as to read:

A bill that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALARY OF THE MINISTER TO LIBERIA

The next business on the Consent Calendar was the bill (H. R. 9991) to fix the salary of the minister to Liberia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. COLLINS. Reserving the right to object, why this increase in salary of the minister to Liberia to the extent of 100 per cent?

Mr. PORTER. The minister resident and consul general to Monrovia, Liberia, receives \$5,000 now. It is the only instance in our Diplomatic Service where a minister receives less than \$10,000 a year.

Mr. COLLINS. He is consul general, too, is he not?

Mr. PORTER. He performs both duties; and that is another argument in favor of this increase.

Mr. COLLINS. That is a larger amount than consuls general elsewhere receive, except in two or three instances.

Mr. PORTER. Oh, no. There are a number of cases of class 1 and class 2, where they receive eight or nine thousand dollars.

Mr. COLLINS. But this officer would receive \$10,000 in a country of small size and importance.

Mr. PORTER. Well, that is hardly a fair statement.

Mr. HOOPER. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. HOOPER. This country has a population of about 2,000,000, has it not?

Mr. PORTER. Yes.

Mr. HOOPER. And it is a country of considerable size?

Mr. PORTER. It is a country of considerable size, and we have large investments there. The Firestone people are expending about a million dollars a year developing the rubber industry, which is quite important.

Mr. COLLINS. Our trade with the country is very small.

Mr. PORTER. It is at the present time; yes, sir. Monrovia is one of the most unhealthy posts in the world. Our last minister there, Mr. Francis, of Minnesota, died of tropical fever about six months ago. The living costs, because of its isolation, are as high as they are in New York. It is practically impossible to get anyone to go there at a salary of \$5,000 a year. I submit that it is not fair, with all of the other ministers representing our Government being paid \$10,000 a year and over, to ask a man to take this unhealthy post for \$5,000.

Mr. HOOPER. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. HOOPER. Is it not true that this Liberian coast is one of the most unhealthy places in the world and that every man who goes there, black or white, puts his life in jeopardy during his residence there?

Mr. PORTER. That is exactly true.

Mr. JENKINS. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. JENKINS. Other countries pay their ambassadors about as much as we are asking in this bill that this ambassador be paid, do they not?

Mr. PORTER. The British Government pays a little over \$11,500 a year to their minister, and provides him with a residence.

Mr. COLLINS. How long have these facts been known?

Mr. PORTER. They have been known for a long time.

Mr. COLLINS. Why was not this condition rectified then when the last salary bill was passed?

Mr. PORTER. This same bill passed the House about three years ago but failed of passage in the Senate.

Mr. COLLINS. I know, but I do not like the idea of singling out one particular country and fixing the salary of the minister or consul general of that country. I think we ought to fix salaries by general legislation.

Mr. PORTER. As a matter of principle the gentleman is correct, but we are putting this minister on the same pay basis as all other ministers in the service.

Mr. COLLINS. But he is to be paid more and he is not a minister; he is a consul general and simply has the status of a minister. He is also to be furnished a home at Government expense.

Mr. PORTER. No; he is a minister, too; and has the status of a minister and consul general.

Mr. COLLINS. He is now in the Consular Service?

Mr. PORTER. No.

Mr. COLLINS. I would consider his importance greater if he was in the Consular Service. Most of the officers in the Consular Service have duties to perform. Those in the Diplomatic Service are merely ornamental. They play around socially and try to talk like Britishers and generally give foreigners an erroneous opinion of Americans.

Mr. PORTER. Mr. Francis was not in the Diplomatic Service. He was a very prominent negro lawyer from Minneapolis, Minn., a man of very great ability. I will say to the House that before he accepted the appointment I had a meeting with him and his wife and agreed to recommend the purchase of a residence for legation purposes. We were negotiating for a site on which to build a legation. In the meantime he contracted tropical fever and died. I agree with the gentleman about the efficiency of our Consular Service, but further than that I do not care to go.

Mr. COLLINS. The gentleman also agrees with my estimate of diplomatic officers?

Mr. PORTER. On that I would rather stand mute.

Mr. HOOPER. Will the gentleman permit me to make a statement?

Mr. COLLINS. Yes.

Mr. HOOPER. I know of my own knowledge that private companies which send people to Liberia for the purpose of superintending and working in the rubber plantations pay them an amount much more than is paid to people ordinarily employed in such occupations, and that is on account of the hazard and risk to health that men take who go into that country.

Mr. PORTER. There is no doubt about that.

Mr. LA GUARDIA. The gentleman from Mississippi is not objecting, is he?

Mr. O'CONNELL of New York. I want to call the attention of the gentleman from Mississippi—and I do not think he is serious in his objection—

Mr. COLLINS. Oh, yes, I am. I object, but I do not object to my good friend from New York making a statement, if he wishes to do so.

Mr. O'CONNELL of New York. This is a meritorious piece of legislation and should pass the Congress without any contest. I quote the following information from the report of our Committee on Foreign Affairs which reported this bill as unassailable reasons for this legislation:

The United States has a number of definite interests in Liberia, all of which the American minister must maintain and advance. Liberia began under American auspices, having been colonized by slaves freed in this country. Liberia has always regarded the United States as her next friend, and on numerous occasions the United States has employed her good offices to assist Liberia politically, financially, and economically. There are also extensive American missionary interests involving about 100 American missionaries, both white and colored, with an estimated investment of \$500,000 and a yearly budget of \$300,000. American capital is being invested on a large scale in the development of rubber plantations. An American concession permits the planting of 1,000,000 acres, which is now being developed at the rate of about 20,000 acres per year and at an approximate cost of \$1,000,000 annually. There is a \$5,000,000 loan to Liberia placed in America and secured by American receivership of customs under the direction of an American bank and assisted by an American financial adviser.

The American minister and consul general to Liberia is required to perform both diplomatic and consular functions, and for this dual service he receives a salary of but \$5,000 per annum, which is \$5,000 less than is paid to any other minister of the United States, \$4,000 less than is paid to Foreign Service officers of class 1, \$3,000 less than is paid to Foreign Service officers of class 2, \$2,000 less than is paid to Foreign Service officers of class 3, \$1,000 less than is paid to Foreign Service officers of class 4, and is equal only to the salaries paid to Foreign Service officers of class 5, which comprises no consul general and no diplomatic officer of higher grade than that of second secretary. That a minister accredited to a foreign government should receive a salary no larger than that received by a second secretary of legation is an anomaly in the Foreign Service of the United States, which, in the view of the undersigned, should, in fairness to the minister and for the sake of uniformity in the Foreign Service, be corrected.

Mr. LINTHICUM. Why not ask that the bill go over without prejudice?

Mr. PORTER. Can I not persuade the gentleman to withhold his objection?

Mr. COLLINS. There is no necessity for this increase in salary. We are already increasing too many salaries.

Mr. PORTER. Here is our situation: The position is vacant; there is nobody there representing our Government except the chargé d'affaires, and we can not get anyone to accept the position on the salary of \$5,000 a year. If this bill must take the usual course, it will be six months or perhaps longer before we can secure action.

Mr. COLLINS. There are thousands who can fill this place. There exists no serious work to be done. If, however, the gentleman insists, no harm can be done by permitting it to go over, so I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RURAL POST ROADS

The next business on the Consent Calendar was the bill (H. R. 7585) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, I make the point of order that the bill is not properly reported in that it does not comply with the rules which require that the report shall show the changes in existing laws. Therefore, this bill can not be properly considered by the House.

The SPEAKER pro tempore (Mr. SNELL). The Chair is of the opinion that the report does not carry out the provisions of the Ramseyer rule. Therefore, the point of order is sustained, and the bill will be recommitted to the Committee on Roads in order that the committee may make a report in conformity with the Ramseyer rule.

HELENA NATIONAL FOREST

The next business on the Consent Calendar was the bill (H. R. 4810) to add certain lands to the Helena National Forest in the State of Montana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the author of this bill, the gentleman from Montana [Mr. EVANS], the reason for the transfer of this land. There is no reason set out, as I understand.

Mr. EVANS of Montana. Mr. Speaker, the land lies near the crest of the Rocky Mountains in the forest reserves. Last year we passed a bill transferring this land, with other similar forest lands, into the forest reserves, but by an error in the punctuation of that bill when it was being enrolled it left out these 800 acres of land. This bill is to really do what we actually tried to do and did do, so far as Congress was concerned, in passing the bill last year. The land is of no value except for forest purposes.

Mr. JENKINS. And the bill has been brought to the attention of those who might be interested in the matter?

Mr. EVANS of Montana. Oh, yes.

Mr. JENKINS. The language of the bill, as the gentleman will notice, does not carry any language from which one could gain the information I have obtained from the gentleman.

Mr. EVANS of Montana. Yes; but the reports of the Secretary of the Interior and the Secretary of Agriculture go into the matter in some detail as to why they intend to put this land in the control of the Forest Service.

Mr. DOUGLAS of Arizona. Mr. Speaker, reserving the right to object, may I ask the gentleman from Montana [Mr. EVANS] a question?

Mr. EVANS of Montana. Yes, indeed.

Mr. DOUGLAS of Arizona. The area involved, as I understand, comprises an acreage of approximately 800 acres.

Mr. EVANS of Montana. Yes.

Mr. DOUGLAS of Arizona. Of the 800 acres, 480 acres are unappropriated and public.

Mr. EVANS of Montana. Yes.

Mr. DOUGLAS of Arizona. What about the other 320 acres?

Mr. EVANS of Montana. I think probably it is appropriated. It may be owned by private individuals; I am not sure about that. The people themselves petitioned a couple of years ago to have this land put within the forest reserve largely for fire-protection purposes, and we passed a bill putting several townships within the control of the Forest Service for that purpose, and, as I have said, by an error of punctuation, after the bill passed both the House and the Senate, it was discovered that it left out the particular land described here. At the request of the Secretary of Agriculture, I introduced this bill to correct that error.

Mr. DOUGLAS of Arizona. Then the lands that are privately owned are to be ceded—

Mr. EVANS of Montana. No; they are not ceded at all. They will simply take this whole strip of land within the forest reserve, so as to give the forest people control in case of fire.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. CRAMTON. Are there any lands here except lands in private ownership?

Mr. EVANS of Montana. Yes; about four or five hundred acres of the 800 acres.

Mr. CRAMTON. Those lands are now a part of the public domain, administered by the General Land Office?

Mr. EVANS of Montana. Yes.

Mr. CRAMTON. And the bill proposes to transfer them to the Forest Service?

Mr. EVANS of Montana. Yes.

Mr. CRAMTON. Is there any payment made or any credit given on the books of the Government for the transfer of this land from the General Land Office to the Forest Service?

Mr. EVANS of Montana. I do not know, but I anticipate not.

Mr. CRAMTON. I think the gentleman is correct. I am not going to object to the bill, but if there should ever come a time when the Federal Government or the Congress suggested that this 400 acres of land be taken from the Forest Service and given to the General Land Office or to the Park Service, the Forest Service would insist that they must be recompensed for it; that they must have some showing because of the revenue that would come to their bureau through this land. I have always maintained, and I am going to emphasize it occasionally, that the Forest Service has no more right to take such a position than has the land office.

Mr. EVANS of Montana. I quite agree with the gentleman.

Mr. CRAMTON. If we wanted this 400 acres turned over to the National Park Bureau, the Forest Service ought not to take the position that they have got to be paid for it any more than the land office should now set up such a claim in this transfer. It all belongs to the United States and ought to be administered and considered in the same way, whatever bureau it is under.

Mr. EVANS of Montana. I do not think there is any doubt about the correctness of the position of the gentleman. I did not know that any bureau or department ever desired to make a charge for its land in such a case.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands be, and the same are hereby, added to and made a part of the Helena National Forest, in the State of Montana, and are hereafter to be administered subject to the laws and regulations relating to the national forests: North half and south half southwest quarter section 14, and north half and south half southwest quarter section 22, all in township 14 north, range 6 west, Montana meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

The next business on the Consent Calendar was the bill (H. R. 6809) to exempt from cancellation certain desert-land entries in Riverside County, Calif.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

MEMORIAL BUILDING AT CHAMPOEG, OREG.

The next business on the Consent Calendar was the bill (H. R. 7983) to authorize the construction of a memorial building at Champoeg, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, and without in any way going into the merits of the bill, I do not believe this kind of bill, creating a new policy on the part of the Government, should be taken up in this way. I am sure the distinguished gentleman from Oregon, influential as he is in this House, can easily get a rule and have the bill brought before the House. It is a novel departure in appropriating \$125,000 for the purpose of constructing a building in a State for memorial purposes. I am not in the slightest way going into the merits of it, but I feel I should have to object and let the matter come up in the regular way.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, retaining its place on the calendar.

Mr. LaGUARDIA. Mr. Speaker, I withdraw my objection for that purpose, although that will only prolong the agony, I may say to the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. HAWLEY]?

There was no objection.

POST-OFFICE SITE AND BUILDING AT DOVER, DEL.

The next business on the Consent Calendar was the bill (H. R. 8578) to sell the present post-office site and building at Dover, Del.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Reserving the right to object, the Government has the authority now to sell under general law, has it not?

Mr. HOUSTON of Delaware. The Post Office Department is going to have a new building. The town is willing to furnish the site. Under the general act they have the authority to sell but not to trade.

Mr. COLLINS. That is hardly a difference. I have no special objection to the bill, but I can see very little difference in what is undertaken by the bill and the law as it stands now.

Mr. HOUSTON of Delaware. The Secretary states in the report that the department would have authority under the provisions of the act of 1926 to sell the present site and building and acquire a new site and construct a building, but it would require specific legislative authority to accept another site in exchange or part payment for the present Federal building and site.

Mr. COLLINS. I have no objection, except I think the department has full authority to do that now.

Mr. STAFFORD. I would like to ask the gentleman from Delaware if the present quarters are inadequate?

Mr. HOUSTON of Delaware. It is rapidly growing so, according to the last inspector's report.

Mr. STAFFORD. The gentleman says it is rapidly growing so. Are we going to adopt the policy of authorizing an exchange of public buildings now suitable for postal services on the ground that they are going to be inadequate?

Mr. HOUSTON of Delaware. It is all in the discretion of the Secretary of the Treasury if he wishes to do so.

Mr. STAFFORD. I know the persuasive influence of the gentleman from Delaware over Secretaries, and I am afraid if the bill passes he will exert that wonderful power.

Mr. HOUSTON of Delaware. I may say further that this building is preventing the proper development of the town. If it was private property, it would have been condemned years ago. Of course, the Secretary of the Treasury is to decide, and the town is offering a very desirable site if they desire to trade.

Mr. STAFFORD. Is the proposed site acceptable to the people?

Mr. HOUSTON of Delaware. Absolutely.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bills as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his direction, to sell the present post-office site and building at Dover, Del., upon such terms and conditions as he may deem advantageous to the Government: *Provided*, That he may accept in exchange a new site in part payment for the present site and building.

With the following committee amendment:

Page 1, line 4, strike out the word "direction" and insert the word "discretion."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was the third time, and passed.

A motion to reconsider was laid on the table.

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 224. The gentleman who objected to that will withdraw his objection.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to return to Calendar No. 224. Is there objection?

Mr. STAFFORD. Reserving the right to object, I question the propriety of returning to a bill after it has been objected to, simply because the gentleman who originally objected may have withdrawn his objection. There may have been other gentlemen in the Chamber who intended to object.

Mr. O'CONNELL of New York. Let me say to the gentleman from Wisconsin that we frequently do that.

Mr. STAFFORD. Let us have the bill reported under the reservation to object.

The Clerk read the bill, H. R. 6809, to exempt from cancellation certain desert-land entries in Riverside County, Calif.

Mr. STAFFORD. Mr. Speaker, I object.

DEDICATION FOR STREET PURPOSES OF PORTION OF OLD POST-OFFICE SITE AT WICHITA, KANS.

The next business on the Consent Calendar was the bill (H. R. 9324) to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, does not the gentleman think there should be an amendment providing for a reversion in this bill?

Mr. AYRES. If you do that, it will destroy the purpose of the bill. The Government gave an easement for an alley or a street 20 feet wide. There were 16 feet from the property owner on the north side and 20 feet from the Government on the south side of this alley, making a total of 36 feet. We will

begin the construction of a new Federal building there within a few months, and as soon as the new building is complete this property will be for sale, and will be sold to some institution or individual for business purposes, and unless this 20 feet is vacated, it will be detrimental in making the sale.

Mr. COLLINS. In other words, it will make the property more valuable.

Mr. AYRES. Absolutely; that is the only purpose in this bill—to vacate and dedicate for street purposes.

Mr. LAGUARDIA. The report is very meager and it is not in keeping with some of the very enlightening reports which come from the great Committee on Public Buildings and Grounds. Is not this a departure from the usual custom of the Government, in giving the right of way or permitting its use for street purposes? Here it is simply dedicating for street purposes.

Mr. AYRES. No; we are simply vacating and dedicating it.

Mr. LAGUARDIA. The bill provides:

That there is hereby dedicated to permanent use for street purposes that portion of the old post-office site at Wichita, Kans.

And then goes on and describes the land, giving it to the city for street purposes.

Mr. AYRES. That is about the only way that property of that kind can be vacated for that purpose. You have to dedicate it for the purpose for which it is intended.

Mr. LAGUARDIA. Exactly; but there is nothing before us to indicate the necessity of the Federal Government giving away this land to Wichita, Kans.

Mr. AYRES. The only reason for doing that is just as I have stated. When the Government gets ready to sell this property which will probably be within the next year, any business man buying the property will immediately want to know what has been done with the right of way in the north of this property.

Mr. LAGUARDIA. Is this the only access to the property?

Mr. AYRES. It is on the north side; yes.

Mr. LAGUARDIA. And there is a street on the other side?

Mr. AYRES. There is a street on the south side and a street on the east side.

Mr. LAGUARDIA. What we do is to buy a parcel of land—

Mr. AYRES. Oh, no; this land was donated to the Government by the property owners originally.

Mr. LAGUARDIA. That is a different proposition.

Mr. STAFFORD. Does the gentleman think there is a need of tautology in the description of the property? The bill provides first:

That there is hereby dedicated to permanent use for street purposes that portion of the old post-office site at Wichita, Kans., described as follows: Lying and being in Wichita, Kans.—

And so forth.

Does not the gentleman believe that is surplusage?

Mr. AYRES. Yes. And I am perfectly willing that this correction be made.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby dedicated to permanent use for street purposes that portion of the old post-office site at Wichita, Kans., described as follows: Lying and being in Wichita, Kans., beginning at the northeast corner of lot L on Market Street, in Greiffensteins Reserve, Greiffensteins Addition to Wichita, running thence south on the west line of Market Street 20 feet to a point 4 feet north of the north line of the Federal building; thence west 147 feet to the west line of said lot L and parallel with the north line of said Federal building, which is also 0.2 of a foot north of the north face of buttress surrounding the area leading to basement of said Federal building; thence north 20 feet to the northwest corner of said lot L; thence east 147 feet to the place of beginning, being the north 20 feet of lot L on Market Street in Greiffensteins Reserve, Greiffensteins Addition to Wichita, Kans.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Stafford: Page 1, lines 5 and 6, strike out the words "lying and being in Wichita, Kans.," and in line 6 spell the word "beginning" with a capital letter.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CERTAIN DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent to return to Calendar No. 224, H. R. 6809, to exempt from

cancellation certain desert-land entries in Riverside County, Calif.

The SPEAKER pro tempore. Under the present conditions the Chair will not recognize the gentleman to make a request to return to that at this time. At the conclusion of the consideration of the calendar to-day, if the gentleman desires to renew the request, the Chair will recognize him.

CENTRAL WAREHOUSES IN NATIONAL PARKS

The next business on the Consent Calendar was the bill (H. R. 6121) to authorize the maintenance of central warehouses in national parks and national monuments and authorizing appropriations for the purchase of supplies and materials to be kept in said warehouses.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Secretary of the Interior, in his administration of the national parks and national monuments, is authorized to maintain central warehouses at said parks and monuments, and appropriations made for the administration, protection, maintenance, and improvement of the said parks and monuments shall be available for the purchase of supplies and materials to be kept in said central warehouses for distribution at cost to projects under specific appropriations, and transfers between the various appropriations made for the national parks and national monuments are hereby authorized for the purpose of charging the cost of supplies and materials drawn from central warehouses maintained under this authority to the particular appropriation benefited; and such supplies and materials as remain therein at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between appropriations then current without decreasing in any way the appropriations made for that fiscal year: *Provided*, That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year.

With the following committee amendment:

Page 2, line 2, after the word "cost," insert "including transportation and handling"; and in line 7, after the word "materials," insert "including transportation and handling"; and in line 13, after the word "appropriations," insert "made for the administration, protection, maintenance, and improvement of said parks and monuments for the fiscal year."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS IN LIVE OAK NAVAL RESERVE, LA.

The next business on the Consent Calendar was the bill (H. R. 6586) providing for the confirmation of the title of certain purchasers from the State of Louisiana of lands formerly included in the Live Oak naval reserve on Navy Commissioners Island, in St. Mary Parish, La., now abandoned.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object in order to inquire if the suggestion made by the Commissioner of the Land Office is sufficiently met to protect any settlers who may have valid settlements on this land by the proviso inserted by the committee?

Mr. KEMP. The gentleman from New York is a good lawyer, and I am quite satisfied that his interpretation of that part of the bill will be correct. Personally, I see no reason why the provision there is not fully sufficient.

Mr. LAGUARDIA. My inquiry is made in earnest. It is to inquire whether the rights of valid settlers are sufficiently protected.

Mr. KEMP. I think they are. However, there are no settlers on the land. That provision is inserted in the interest of anyone who might have, or claim, adverse possession.

Mr. LAGUARDIA. Is the commissioner under a mistaken idea of the facts? He seems to have in mind that there are settlers there who have claims.

Mr. JENKINS. Would not this be the case? If they have any rights there at all they must obtain them under the laws of the State, and if that is the case this language would be sufficient to preserve whatever rights they have so that the same would not be taken away from them.

Mr. LAGUARDIA. If the gentleman is satisfied, all right.

Mr. COLTON. The committee is satisfied. The committee understands that there are no rights such as the gentleman mentions. This amendment was put in as a protective clause in case there had been some rights acquired under the laws of the State or the Government.

Mr. LAGUARDIA. Are there any persons holding adversely?

Mr. COLTON. Not so far as the committee is informed.

Mr. LAGUARDIA. If there are and they have held for 20 years adversely, of course, they are protected?

Mr. COLTON. Yes.

Mr. JENKINS. It strikes me that this whole legislation is very unusual. Did the committee take up this phase, that if there are any rights, if these people have any rights at all, they get them from the State of Louisiana; and if Louisiana had no rights to give them, why did they not just appeal to the United States and get their rights directly from the Government as they would in any other public land matters?

Mr. COLTON. The author of the bill [Mr. KEMP] perhaps can answer that better than I can.

Mr. KEMP. I understand these lands under the acts of Congress of 1849 and 1850 were donated to the State of Louisiana as swamp and overflowed lands. This particular tract of land was reserved under act of Congress of 1820 as a naval station. It was never used as a naval station. The Government never exercised any control of it, and finally it was abandoned for naval purposes, and went back to the State of Louisiana.

These purchasers for whom I introduced this bill attempted to buy this land from the State of Louisiana, but the State of Louisiana was unable to give title because of this reservation. This act is merely to permit the State of Louisiana to exercise jurisdiction over this land which it ordinarily would have done under the act of 1850 had it not been for this reservation.

Mr. JENKINS. Is the gentleman from Louisiana right in making the statement that the laches or inactivity on the part of the Government in not building on this land resulted in the land going back to the State of Louisiana?

Mr. KEMP. Yes. The State would gladly relinquish all rights to the land if the Government should now see fit to build a naval station.

Mr. SCHAFER of Wisconsin. Is my understanding correct that if we pass this bill and transfer this land to the State of Louisiana, the State of Louisiana will pass it over to private individuals or corporations?

Mr. KEMP. That is exactly what the bill proposes.

Mr. SCHAFER of Wisconsin. Then I shall object.

Mr. KEMP. With the proper explanation I think the gentleman will not object. The swamp and overflowed lands in the several States were donated to the States by the Federal Government under the acts of Congress of 1849 and 1850. This little piece of land involved in this bill was exempted from that provision entirely by reason of the fact that the Secretary of the Navy under an order of the President withheld these lands for naval purposes. But the idea of using the lands for naval purposes was abandoned years ago, and a bill similar to this one passed by Congress in 1923; under the provisions of which some of this same land was purchased from the State of Louisiana by settlers. This bill is simply for the purpose of putting the land back in its original status, as it would have been had there been no reservation for naval purposes by the Government.

Mr. SCHAFER of Wisconsin. I understand. What is the value of that land?

Mr. KEMP. I can not answer that.

Mr. COLTON. In other words, the bill is merely to remove a cloud from the title which was created by the original reservation?

Mr. KEMP. Yes. That is everything in the world that the bill seeks to do.

Mr. SCHAFER of Wisconsin. I believe I will have to object to the bill. It does more than merely clear up the title. If we reserved this land to the United States Government for the purpose of erecting a naval station there, the State of Louisiana certainly did not have title to the land. If this bill was amended so that the land should revert to the United States in case it was not used by the State of Louisiana or any municipality of that State, I would not object; but I object to the Government giving the title of this land to the State of Louisiana so that it can be sold to private individuals.

Mr. ARENTZ. In 1820 this land was set aside. If it had not been reserved in 1850, the State would still have this land.

Mr. SCHAFER of Wisconsin. But they do not have it. Why should the Government turn over land to any State for the purpose of having the State turn it over to private individuals?

Mr. ARENTZ. Lands of that kind were turned over to the State of Wisconsin, I will say to the gentleman.

Mr. SCHAFER of Wisconsin. This land was never turned over to the State. That is admitted. Nobody seems to know the value of the land or size of it. It may be worth millions of dollars for all we know. If we had information regarding

the size of the land and its value, it might give us an opportunity to withdraw the objection. I am not going to vote for a pig in a poke and propose to transfer land to the State of Louisiana or any other State in order to let them transfer it to some individual or corporation, particularly if we do not know the value or the size of the land.

Mr. KEMP. I can tell the gentleman how to get the pig out of the poke. Read the report of the Commissioner of the General Land Office, Mr. C. C. Moore, the commissioner, which is attached to the report on the bill.

Mr. JENKINS. This report of the commissioner is very unsatisfactory, in my judgment. He says:

The State's claim was finally rejected by this office December 18, 1913, because of the above-mentioned naval reserve.

Mr. KEMP. Does the gentleman know why it was rejected?

Mr. JENKINS. No.

Mr. KEMP. Solely because this land had been reserved for naval purposes.

Mr. JENKINS. Now I come down to the next paragraph, which reads:

I do not believe the titles of persons who purchased from the State of Louisiana should be confirmed without the payment to the Government of at least \$1.25 per acre.

Mr. KEMP. That is more than the Government has ever received for any swamp or overflowed land heretofore.

Mr. JENKINS. That is not the point. The point is that the title should not be confirmed for any reason if they are not entitled to a title. If it is a matter of financial consideration, we should not just dismiss it by saying that they should pay \$1.25 an acre. They either have a right to the land or they do not. If they do not, then they should buy the land or deal with the Government authorities as in any other case of purchase of public land.

Mr. COLTON. Will the gentleman yield?

Mr. KEMP. I yield.

Mr. COLTON. The \$1.25 an acre is the price that is carried in practically all of the bills. It is a uniform charge that the Government has made for all of its lands which pass to private ownership and which have no higher value. It is merely a nominal price, to indicate that they pass only for a consideration.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KEMP. I yield.

Mr. LAGUARDIA. Other persons acquiring land adjacent to this, direct from the Government, pay \$1.25. What the commission has now in mind is to acquire it in the State, and in order to confirm the title, pay \$1.25.

Mr. JENKINS. I am not going to object to this bill, but this language, it strikes me, corroborates my position that if the Government has title, this bill should provide that the people treat with the Government and not with the State of Louisiana. If the Government has no title, then this bill has no business being here.

Mr. COLTON. We are the Government in passing this bill.

Mr. LAGUARDIA. It is to remove this cloud or discolor of title which the Government has caused by this naval reserve.

Mr. SCHAFER of Wisconsin. The Government will not receive any money from the sale of the property. We have not been told yet what the value of this property is. I would like to ask another question. The question of a naval base has entered into this discussion. Has this bill been sent to the Secretary of the Navy, so that the committee could receive his opinion as to whether or not the Navy Department has definitely indicated that said department would not use the property?

Mr. LAGUARDIA. They relinquished it years ago.

Mr. SCHAFER of Wisconsin. What is the value of this property?

Mr. KEMP. I could not tell you.

Mr. SCHAFER of Wisconsin. Is it an acre or is it a thousand acres?

Mr. KEMP. There is a description given in the report. It says "two fractional sections." I judge less than 640 acres.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin [Mr. SCHAFER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

HAWAII NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 9183) to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to direct attention to one provision in this bill which, as I read the language, would make it a crime for anyone to do any damage "to any building, fence, hedge, gate, guide post," and so forth, within the confines of this park, even if it was not done willfully. I direct the gentleman's attention to the language found on page 4, beginning on line 6, "or who shall within said park commit any damage, injury, or spoliation to or upon any building," and so forth. That language is connected with the antecedent language found on page 3, beginning in line 19:

Any person or persons, or stage or express company, or railway company who shall within said park commit any damage, injury, or spoliation to any fence—

And so forth.

Suppose an automobile driver, through no fault of his, should run against a fence to get out of the way of some oncoming automobile, under this language he would commit a misdemeanor and be punished. There is no escape from it.

Mr. HOUSTON of Hawaii. The language of this bill is similar to the provisions of law governing all other national parks in the country.

Mr. STAFFORD. That has some probative value, I may say, but nevertheless, I am directing the gentleman's attention to a specific criticism, as to whether this language, even though it may have been incorporated in other bills providing for government of national parks, may not be faulty, directing a concrete instance to the gentleman, and asking for an explanation as to whether my position is right or wrong.

Mr. COLTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. COLTON. I want to confirm what the gentleman from Hawaii [Mr. Houston] has said. This is the usual language in such bills.

Mr. STAFFORD. I am aware of that. The gentleman states it is the fashion under legislative provisions for other national parks.

Mr. COLTON. If the gentleman will permit, all of the national parks are being supervised under a similar law, and this is placed in here to give them the right to protect the property, including the things enumerated, that may be in the parks. It seems to be necessary to give this specific authority to protect the property.

Mr. STAFFORD. The gentleman has not answered my objection yet.

Mr. COLTON. I will ask the gentleman if he does not believe the property within a park should be protected?

Mr. STAFFORD. I am not questioning the advisability of this legislation. I am directing attention to one concrete instance, and yet I have not had any reply to my objection, except that it is in similar language to provisions with respect to other parks.

Mr. COLTON. I do not see any objection to adding the word "willfully" there. It may not be necessary, but I can see no harm.

Mr. STAFFORD. That is the point. I was going to suggest that amendment.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. CRAMTON. I do not see any objection to it; but, as I understand, this kind of an offense would be interpreted in that way.

Mr. STAFFORD. But there is no reservation of discretion in the enforcement officer.

Mr. CRAMTON. In any event, in lines 19 to 21 and following, which the gentleman mentioned, there is similar language: "Any person who knows or has reason to believe."

Mr. STAFFORD. Oh, yes. I am not objecting to that phraseology. I am directing objection to the language on page 4, because the language on page 3 is antecedent. Just before the word "commit," in line 7, page 4, "or who shall within said park commit any damage or injury."

Mr. CRAMTON. I do not think you want to go too far about malice. You must remember that the biggest job the Government has in these national-park areas is the protection of the wild life and the prevention of the destruction of the scenery. However, I think you could go as far as putting in the word "willfully" without any harm.

Mr. LAGUARDIA. But that would not add anything to it. This provision is criminal, and unless there is proof of a criminal intent or unless there is proof of maliciousness and willfulness, of course, you could not prosecute.

Mr. STAFFORD. The language is very broad and we always provide that these offenses shall be willfully or maliciously committed.

Mr. COLTON. If the gentleman will yield, we will accept that amendment.

Mr. STAFFORD. Then, I have no further objection.

Mr. SCHAFER of Wisconsin. I wonder if the gentleman will accept another amendment? Whether, in section 7, line 8, the gentleman will accept an amendment so you do not include every criminal offense? That can be done by striking out the word "any," in line 8, and inserting the word "all," and by striking out the word "not," so it would merely apply to the offenses referred to in this act.

Mr. HOUSTON of Hawaii. If the gentleman will yield, I think it is desirable that the language of such provision should be similar to that provided for all the parks. This follows previous legislation, and to change it for this particular park only would appear to be bad policy.

Mr. CRAMTON. Furthermore, the very purpose of the act is to give exclusive jurisdiction in this area to the Federal Government, and the suggestion of the gentleman from Wisconsin, leaving some of the jurisdiction to the Territorial government, would be contrary to the purpose of the act. It is found that better administration results if you give exclusive jurisdiction to the Federal Government.

Mr. COLTON. And especially in this particular park.

Mr. CRAMTON. Yes; because there has been a very serious situation there which we have been trying to correct.

Mr. SCHAFER of Wisconsin. I believe in States' rights to a certain degree, and I do not believe we should incorporate the language that is embodied in section 7, which would result in taking away from the Territorial government the authority they may have in certain cases not specifically covered by the act, such as violations of the prohibition law.

Mr. CRAMTON. Of course, the gentleman brings in that one particular thing.

Mr. SCHAFER of Wisconsin. The gentleman must admit that the language in section 7 will cover violations of the prohibition law.

Mr. CRAMTON. The purpose of this bill is to give exclusive jurisdiction over this area to the Federal Government. That has already been done in Wyoming and Montana as to the Yellowstone and recently in Colorado with reference to the Rocky Mountain and Mesa Verde, as well as in numerous other national parks. The Federal Government is given exclusive jurisdiction as to all offenses. This bill, submitted by the gentleman to the Governor of Hawaii, is approved in this form.

Mr. SCHAFER of Wisconsin. If this bill is passed with section 7 as now incorporated in the bill, then the Territory of Hawaii would not have any jurisdiction in the park area with reference to violations of the prohibition law?

Mr. STAFFORD. I may say that this bill in its present form does not give the right of trial by jury to any person who may commit an offense within the confines of this park.

Mr. SCHAFER of Wisconsin. And if this bill passes and becomes a law, you are going to have a man tried before a commissioner without having an opportunity to have a day in court before a jury of his peers. I object to the consideration of the bill.

Mr. CRAMTON. Personally, I would like to see one bill go through without thrashing out the question of prohibition.

Mr. SCHAFER of Wisconsin. Well, that is involved here, because if this bill passes, you are going to have a prohibition violator tried under the Jones law before a court commissioner and without a trial before a jury of his peers. This bill also takes away from the Territory of Hawaii the right to enforce the laws of that Territory.

Mr. CRAMTON. The facts show that the prohibition laws are enforced in the national parks.

Mr. HOUSTON of Hawaii. Will the gentleman withhold his objection?

Mr. SCHAFER of Wisconsin. I will withhold my objection.

Mr. HOUSTON of Hawaii. This is desired by the department and the National Park Service. We have gone into the thing and administratively we have found some difficulties in the actual enforcement of the law, and in order to show our good faith and that we are willing that the Federal Government shall have in the Hawaiian national park that power which it has in other national parks, we agree to this particular form so as to be consistent.

Mr. SCHAFER of Wisconsin. Why not accept the amendment I propose and make it impossible to give a park commissioner the right to try a violator of the prohibition law and send him to jail for five years without an opportunity to have his case tried by a jury?

Mr. HOUSTON of Hawaii. We do not anticipate the difficulty which the gentleman envisages.

Mr. LAGUARDIA. This would not deprive him of the right to a trial by jury.

Mr. STAFFORD. It does deprive a man of a trial by jury for all minor offenses.

Mr. LaGUARDIA. But we are now talking about a felony. A violation of the Jones law as it is now is a felony, and that specifically answers the inquiry of the gentleman from Wisconsin.

Mr. COLTON. The purpose of this bill is to avoid in the future any question as to the jurisdiction over offenses that may be committed in the park and to confer upon the Federal Government the exclusive jurisdiction over all offenses. We have done that in almost every national park in the country, and this simply brings this park in harmony with the other parks of the country.

Mr. SCHAFER of Wisconsin. Without the passage of this bill, do I correctly understand that the Territorial government of Hawaii now has the jurisdiction and the right to prosecute these law violations?

Mr. COLTON. That is a serious question. There has been a very unusual and unpleasant experience over there. A heinous crime was committed, and much delay was occasioned in prosecuting the culprit, due partly to there being a question of jurisdiction. We are trying to do away with any uncertainty and to confer exclusive jurisdiction on the Federal Government.

Mr. SCHAFER of Wisconsin. Does the gentleman believe that if this bill passes with section 7 as now written in the bill it will be possible for a commissioner to try a prohibition-violation case, convict the man, and sentence him without the accused having the right of trial by jury?

Mr. COLTON. Not at all.

Mr. HOUSTON of Hawaii. No more so than anywhere else.

Mr. COLTON. If it is a felony, not at all. He may try him for a misdemeanor or a petty offense.

Mr. SCHAFER of Wisconsin. Then, with respect to minor prohibition law violations, you are getting away from dual enforcement of the prohibition laws by the State and Federal governments if you pass this bill.

Mr. COLTON. We have done that with respect to all the other parks.

Mr. SCHAFER of Wisconsin. I mean, of course, within the park; otherwise you would not have the bill before us here.

Mr. COLTON. That is true.

Mr. SCHAFER of Wisconsin. Therefore you are accomplishing by this bill what we in Wisconsin have been condemned for doing by prohibition leaders, repealing our State prohibition law and not assuming the obligation, as the prohibitionists tell us, of enforcing the prohibition laws. You are doing the same thing in this bill, and since the dry leader, the gentleman from Michigan [Mr. Cramton] believes in doing that, I shall withdraw my objection. In the future, let no dry leader who supports this bill condemn Wisconsin for repealing her State prohibition law.

Mr. STAFFORD. Under a reservation of objection, Mr. Speaker, I wish to direct an inquiry to the gentleman from Utah [Mr. Colton] as to the authority contained in section 8, and ask whether he believes the authority to arrest for minor offenses should be lodged in any employee of the park. The gentleman will notice that we vest such authority in any officer of the Government or any person employed by the United States in policing the reservation, and we also provide that nothing herein shall be construed as to prevent the arrest by any officer or employee of the Government. Why should we vest such authority in an employee of the Government who has not been specially authorized to have police power?

Mr. HOUSTON of Hawaii. I am inclined to believe, without being able to say positively, that they already have that authority.

Mr. STAFFORD. Whether they have the authority or not, why should a bill be passed giving that authority to mere employees?

Mr. HOUSTON of Hawaii. Because there are very few employees in such a very large area.

Mr. COLTON. I think the gentleman will find they are specially deputized in all cases now.

Mr. STAFFORD. If they are deputized then the language following covers the case:

Or any person employed by the United States in the policing of said reservation.

Why should we vest in any ordinary employee the power of arrest? I do not like that language. I do not like such authority being vested in any subordinate employee.

Mr. LaGUARDIA. I assume that is only with respect to an act committed within his presence.

Mr. STAFFORD. Not necessarily.

Mr. LaGUARDIA. I say I would assume that.

Mr. STAFFORD. We are not taking away any authority from those who are employed to police the reservation or from any official or officer, but we are seeking to delegate such power to every employee. Why should we delegate the power of arrest to every employee of the park service?

Mr. COLTON. Because it is so easy for them to do the double duty of policing the park and discharging their other duties.

Mr. STAFFORD. Then they would be delegated with that power under the language of the next provision with reference to policing the reservation.

Mr. HOUSTON of Hawaii. They are already policing the reservation, as a matter of fact.

Mr. STAFFORD. Then there would be no reason for authorizing a mere employee to do that.

Mr. HOUSTON of Hawaii. This is the language that has been used in previous bills—

Mr. STAFFORD. I have heard that before, I may say, with all due deference to the gentleman.

Mr. HOUSTON of Hawaii. And it has been felt that it would be wise to have a similar provision with respect to all the reservations.

Mr. STAFFORD. Well, we will start to have it apply to all the parks by changing it here.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, if this is stricken out I have no objection. I do not see why we should give this right to any employee. I do not want to be obstreperous in the matter.

Mr. COLTON. Will the gentleman indicate the language to which he refers?

Mr. STAFFORD. Page 6, lines 22 and 23:

But nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government.

I object to the words "or employee."

Mr. COLTON. Just the words "or employee"?

Mr. STAFFORD. Yes. Then it goes on:

Or any person employed by the United States in the policing of said reservation—

And so forth.

I have no objection to that, but I do not believe a mere employee should be delegated such authority.

Mr. COLTON. I do not see any objection to that, but I hope the gentleman will not object.

Mr. STAFFORD. With that understanding, I have no objection.

Mr. ARENTZ. Reserving the right to object, Mr. Speaker, an employee may be a ranger, a ranger with only two weeks' experience, yet that man is on the job every hour of the day and night and if he sees a marauder, a man who is trying to break down some natural wonder, why should he not have authority to take that man and bring him to headquarters?

Mr. STAFFORD. Will the gentleman yield?

Mr. ARENTZ. Yes; I yield.

Mr. STAFFORD. Does not the gentleman, with his great knowledge—

Mr. ARENTZ. Oh, no; I have not great knowledge.

Mr. STAFFORD (continuing). Of the authority vested in the rangers in the public parks, know that the rangers police the reservation?

Mr. ARENTZ. Of course, they do.

Mr. STAFFORD. And they come under the authority of the following provision, so that the gentleman's illustration has no application.

Mr. CRAMTON. What would the gentleman say about the assistant superintendent?

Mr. STAFFORD. I would say the assistant superintendent is an officer and is covered by the other language in the section.

Mr. CRAMTON. Is the gentleman sure he is an officer?

Mr. STAFFORD. I am quite sure.

Mr. CRAMTON. Is the gentleman sure?

Mr. STAFFORD. I do not wish to get into any controversy with the gentleman.

Mr. CRAMTON. The gentleman wants to strike out this language, and here is the situation. This is a large area and suppose the assistant superintendent sees an offense being committed and protests, but the man goes ahead with his destruction of something that can not be restored in centuries, and then the assistant superintendent is held by the courts not to be an official, but to be an employee. I am not sure whether the assistant superintendent is an official or an employee.

Mr. STAFFORD. In view of the opinion of those who favor strict enforcement of all laws and the delegation of authority to

the National Government to enforce all laws, sumptuary and otherwise, I will not press my objection as to this amendment. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That hereafter sole and exclusive jurisdiction shall be exercised by the United States over the territory which is now or may hereafter be included in the Hawaii National Park in the Territory of Hawaii, saving, however, to the Territory of Hawaii the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed outside of said park, and saving further to the Territory of Hawaii all jurisdiction now existing to tax all rightful subjects of taxation in respect to said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the Territory of Hawaii.

SEC. 2. That the District Court of the United States in and for the Territory of Hawaii shall have jurisdiction of all offenses committed within the boundaries of said park.

SEC. 3. That if any offense shall be committed in the Hawaii National Park, which offense is not prohibited or the punishment for which is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the Territory of Hawaii in force at the time of the commission of the offense may provide for a like offense in said Territory and no subsequent repeal of any such law of the Territory of Hawaii shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That upon the recommendation and approval of the Secretary of the Interior of a qualified candidate the United States District Court for the Territory of Hawaii shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the

park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes, authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Territory of Hawaii, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore, provided for the arrest of any person charged with the commission within said boundaries of any criminal offense not covered by the provisions of section 4 of this act, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Territory of Hawaii, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said Territory.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Hawaii, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States in the policing of said reservation within said boundaries without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within exterior boundaries of said Hawaii National Park at a place to be designated by the Secretary of the Interior: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Territory of Hawaii.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the Governor of the Territory of Hawaii of the passage and approval of this act and of the fact that the United States assumes police jurisdiction over said park.

With the following committee amendment:

Page 2, line 2, strike out, after the word "Hawaii," the following: "All jurisdiction now existing to tax all rightful subjects of taxation in respect to said park" and insert the following: "The right to tax persons and corporations, their franchises, and property on the lands included in said park."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. STAFFORD. Mr. Speaker, I had an amendment to that bill which it was agreed should be offered.

The SPEAKER. The Chair was not aware of any agreement for an amendment.

Mr. STAFFORD. I beg the pardon of the Chair, but I suggested an amendment, and it was agreed that I should offer it to the bill.

The SPEAKER. Without objection, all proceedings for the engrossment and third reading and the passage of the bill will be vacated.

There was no objection.

Mr. STAFFORD. Now, Mr. Speaker, I offer the following amendment:

Page 4, line 7, before the word "commit," insert the word "willful."

The Clerk read the amendment, as follows:

Amendment by Mr. STAFFORD: Page 4, line 7, before the word "commit," insert the word "willful."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

IMPROPER PRACTICE BEFORE UNITED STATES PATENT OFFICE

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person to practice, describe himself or hold himself out, or permit himself to be described or held out, as a patent agent or patent attorney, unless he is duly recognized to practice before the United States Patent Office in accordance with the provisions of section 487 of the Revised Statutes (title 35, ch. 1, sec. 11, U. S. C.). It shall further be unlawful for any person who is not so recognized, or, who, having been so recognized, has been subsequently disbarred, to in any manner convey the impression that he either alone or together with any other person or persons, has, owns, conducts, or maintains an office of any kind for preparing or prosecuting applications for patents, or for compensation to act or practice as a patent agent, patent attorney, or counselor with respect to matters relating to patents before the United States Patent Office: *Provided*, That nothing in this act shall prevent any attorney who is legally admitted to practice law in any State or Territory of the United States, unless he has been disbarred from practice before the Patent Office, from advising any client as to patent matters, or co-operating with any duly registered patent attorney in obtaining a patent, or acting as counsel in any patent litigation. Any person violating the provisions of this section shall upon conviction be deemed guilty of a misdemeanor and fined not more than \$1,000 or imprisoned not to exceed six months, or both. This section shall not apply to clerks or others supervised by persons duly admitted to practice before the United States Patent Office, nor shall this section apply to any qualified engineer, chemist, or other scientific person, when performing technical, scientific, or other nonlegal services in connection with patents or applications for patents, unless such person holds himself out as practicing or qualified to practice before the Patent Office, or unless he has been disbarred from practice before said Patent Office.

SEC. 2. That it shall be unlawful for a corporation or an association to be admitted to practice before the United States Patent Office and it shall be unlawful for a corporation or association to practice, describe itself, or hold itself out or permit itself to be described or held out as a patent agent or a patent attorney, or in any manner convey the impression that it has, owns, conducts, or maintains an office of any kind for preparing or prosecuting applications for patents for any person other than itself. Any corporation or association violating the provisions of this section shall upon conviction be deemed guilty of a misdemeanor and fined not more than \$5,000, and any officer, trustee, director, agent, member, or employee of such corporation or association who directly or indirectly engages in any of the herein prohibited acts in behalf of the corporation or association or assists such corporation or association to do such prohibited acts shall upon conviction be deemed guilty of a misdemeanor and fined not more than \$1,000, or imprisoned not to exceed six months, or both. The fact that any such officer, trustee, or director or member or employee shall be duly and regularly admitted to practice before the United States Patent Office shall not be held to permit or allow any such corporation or association to do the acts prohibited herein, nor shall such fact be a defense in a trial of any such person mentioned herein for the violation of this section. This section shall not prohibit a corporation or association from employing an attorney or attorneys in and about its own immediate affairs or the affairs of organizations owned or controlled by it before the United States Patent Office.

SEC. 3. That nothing herein contained shall be construed to prevent a corporation or association from furnishing to any person admitted to practice before the United States Patent Office such information or such clerical services in and about his professional work as, except for the provisions of this section, may be allowable: *Provided*, That at all times the attorney receiving such information or such services shall maintain full professional and direct responsibility to his clients for the information and services so received. But no corporation shall be permitted to render any services which can not lawfully be rendered by a person not admitted to practice before the United States Patent Office nor to solicit directly or indirectly professional employment for any persons so admitted.

SEC. 4. That after the passage of this act it shall be unlawful for any person who may hereafter be duly registered to practice in the Patent Office, thereafter to hold himself out as a patent attorney, patent lawyer, patent solicitor, or patent counselor unless he is legally admitted to practice law in a State or Territory of the United States or its dependencies, or in the District of Columbia, or in the Panama Canal Zone; and any person so violating this act shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than \$1,000 or

imprisoned not to exceed six months: *Provided*, That this section shall not apply to persons registered to practice before the Patent Office at the time of the approval of this act.

SEC. 5. That any violation of this act shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation shall be committed.

The SPEAKER. Is a second demanded?

Mr. SCHAFER of Wisconsin. I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHAFER of Wisconsin. I am.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PERKINS. Mr. Speaker and gentlemen, this is a bill which three times has passed the House unanimously. The purpose of the bill is to prevent fraud and deception on inventors throughout the country by persons holding themselves out to be patent agents or patent attorneys.

We have one notable instance called to the attention of the committee where a poor man who could hardly read or write paid \$1,500 to a supposed patent attorney to get a patent, with the result that eventually there was no patent granted and the \$1,500 was lost.

The object of the bill is to create a real patent bar, amenable to the jurisdiction of the United States courts.

Mr. ABERNETHY. Will the gentleman yield?

Mr. PERKINS. I yield.

Mr. ABERNETHY. Does the bill deal with promiscuous advertising for business by patent attorneys throughout the country?

Mr. PERKINS. That is precisely one object of the bill. At the present time persons who have no standing before the Patent Office and are not patent lawyers advertise for business. Poor, innocent people are deceived into believing that the persons advertising are patent lawyers and that the buildings shown in the advertisements are their offices.

Mr. ABERNETHY. To what extent do you control that? I was hoping you would cut it out altogether.

Mr. PERKINS. You can not cut it out altogether, but the bill provides that no one unauthorized under the law shall hold himself out as a patent agent or patent attorney.

It also puts the matter within the jurisdiction of the United States court rather than leaving it entirely to the Patent Office.

Mr. STAFFORD. The bill excepts corporations or associations that employ attorney or attorneys in or about their own particular affairs. I thought that perhaps the exception should be further extended so as to include any person permitted to practice before the Patent Office.

Mr. PERKINS. It is not necessary to include that as an exception, because any person admitted to practice before the Patent Office is not affected by this bill. The object of the clause referred to is to clarify the meaning of the bill that corporations who carry their own patent attorneys may continue to employ them.

Mr. STAFFORD. And on page 5 the provisions of the law will apply to a State or Territory of the United States and its dependencies, and to the District of Columbia and the Panama Canal Zone, while on page 2 of the bill the law is made to apply to any attorney who is legally admitted to practice law in any State or Territory of the United States. Why should the phraseology not be alike in both places?

Mr. PERKINS. The proviso on page 2 is that nothing in the act shall prevent any attorney who is legally permitted to practice law in any State or Territory of the United States, unless he has been disbarred from practice before the Patent Office, from advising any client as to patent matters, and so forth. The proviso in section 4 to which the gentleman called attention is that after the passage of the act it shall be unlawful for any person who may hereafter be duly registered to practice in the Patent Office thereafter to hold himself out as a patent attorney, patent lawyer, patent solicitor, or patent counselor unless he is legally permitted to practice law in a State or Territory of the United States or its dependencies, or in the District of Columbia, or in the Panama Canal Zone. The inclusion is somewhat broader, I admit.

Mr. STAFFORD. I thought that the particular language should be incorporated also on page 2, and that there the law should not be restricted to applying only to States and Territories.

Mr. PERKINS. Perhaps the draftsman of the bill might have included it. I do not see that there is any hardship on anyone by having the language a little different.

Mr. STAFFORD. In any event, under a motion to suspend the rules we can not amend the bill.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield further?

Mr. PERKINS. Yes.

Mr. ABERNETHY. I think one of the worst practices that we had to contend with are these patent attorneys and pension attorneys writing all over the country soliciting business. Under our bar associations an attorney who does that would be disbarred. I wish the gentleman and his committee would give serious attention to that practice which I think is harmful, and certainly not in accord with the ethics of a great profession like that of the law.

Mr. PERKINS. If this bill be passed it will go a long distance toward preventing the objectionable things the gentleman from North Carolina has in mind.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Yes.

Mr. JENKINS. As I understand the law, at the present time any man might hold himself out as a practitioner before the patent department, when he really has no authority to practice before that department. Under this bill it is proposed to make it a penalty for anyone to hold himself out as a patent lawyer or an agent who has not met the requirements of the Patent Office?

Mr. PERKINS. Precisely.

Mr. JENKINS. Suppose a corporation or an individual is in the habit of having a representative here before the patent department who is not a lawyer. Does this prevent that person from continuing such an agent or representative in his employ to make investigations and reports?

Mr. PERKINS. This does not prevent anyone from employing a person to make investigations and report, and no concern whether a corporation or otherwise has a right under this bill to employ a person to act as a patent attorney unless he is admitted as a patent attorney.

Mr. JENKINS. The gentleman from North Carolina raises a question as to whether this bill reaches the men who advertise.

Mr. PERKINS. It will not reach all of the advertisers, but it will reach many persons who are advertising that they are patent lawyers or solicitors who are not such. It will not prevent general advertising by duly admitted attorneys.

Mr. JENKINS. That has to be controlled by the ethics of the profession?

Mr. PERKINS. Yes; but this will prevent a large part of the advertising which is false and fraudulent, in which persons who are not patent attorneys or patent solicitors pretend to be such, and hold themselves out to the public to be such, and draw large amounts of money from the public every year.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Yes.

Mr. MOORE of Virginia. Looking at section 4, it seems that, if the bill is enacted, anyone who is at the time of its passage registered with the Patent Office as an attorney can continue to practice.

Mr. PERKINS. That is true.

Mr. MOORE of Virginia. After the passage of the bill only those will be admitted to the roll as attorneys qualified to practice in the Patent Office who have been legally admitted to practice law in a State or Territory, and so forth.

Mr. PERKINS. Yes.

Mr. MOORE of Virginia. Which means that after the passage of the bill no one can become a patent attorney who has not passed a pretty rigid bar examination. Does not the gentleman think that a great many men are qualified to engage in patent practice who are altogether outside of what is required of a general practitioner?

Mr. PERKINS. I agree that there is quite a distinction between practicing law generally and practicing patent law, but there must be sometime and somewhere a patent bar established.

Mr. MOORE of Virginia. I might think that the duty would be placed on the Patent Office itself to determine who are qualified to practice in that particular field.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CRAMTON. Nothing prevents a man practicing as a patent agent.

Mr. MOORE of Virginia. But he can not practice as a patent attorney?

Mr. CRAMTON. He must not give the impression that he is an attorney, but he can handle business before the Patent Office without being a patent attorney.

Mr. MOORE of Virginia. That does not quite answer the question I raised. I am in entire sympathy with the proposal to prevent fraud of any kind, but here in Washington City to-day I understand there are men practicing before various Government agencies, as for instance, the Federal Trade Commission, and the Interstate Commerce Commission, and I believe the Treasury Department, who are not required to have the qualifications of a general practitioner who must have studied in a very extensive field.

Mr. PERKINS. The gentleman from Michigan [Mr. CRAMTON] has in his statement indicated the purpose of this bill, which is to prevent a man from practicing as a lawyer or solicitor when he is not an attorney nor a solicitor.

Mr. MOORE of Virginia. I think the gentleman from New Jersey is on the right track, but I do not think he will succeed in getting rid of this abuse until he stops this practice of men advertising all over the country, and I hope the Pension Committee will stop all this business of men coming here and bringing in claims of a character which the average lawyer can not undertake to do without being disbarred from practice.

Mr. PERKINS. That is the kind of a bill that we are trying to pass to-day. It does not go to the full length, but it goes in the right direction.

Mr. BRIGGS. May I ask the gentleman from New Jersey if the Patent Office has a list of lawyers who are practicing and which is available to the public?

Mr. PERKINS. There is a list in the Patent Office of agents and lawyers who have the right to practice before that office.

Mr. BRIGGS. Like other Members of Congress, I am in constant receipt of inquiries about patent lawyers practicing before the Patent Office. I understand that for a while the Commissioner of Patents had no objection to giving a list of such patent attorneys as his office would be willing to recommend, but he now objects to giving out a list of attorneys who are regarded by him as reputable lawyers practicing before the bureau. They do not carry out that former practice now. I think it would be a mighty good thing for the Patent Office to get out a list of reputable lawyers practicing before that office and have such a list published in convenient form for the public. They should see to it that all who are practicing before that office should be reputable lawyers.

Mr. PERKINS. You can readily see why the Patent Office can not recommend lawyers. You can see that if it did that it would be subject to criticism by patent attorneys who were not on the recommended list.

Mr. BRIGGS. But if they were not reputable lawyers they ought not to be permitted to practice before the department. There ought to be a list, so that the people would have reasonable assurance that the lawyers practicing before the department are reputable lawyers in good standing.

Mr. PERKINS. It would not be quite fair for the Patent Office to get up only a partial list.

Mr. BRIGGS. That is what I am talking about, so as not to have Tom, Dick, and Harry indiscriminately calling themselves lawyers and without ability or responsibility practicing before that department. But if they could publish a complete list of reputable lawyers the people could be assured that they would receive at least some value for the compensation which these lawyers get for their service.

Mr. PERKINS. The making of such a list might give out the impression that the attorneys mentioned on that list had the inside track. The Patent Office is being conducted with the view of treating all practitioners on an equal footing.

Mr. BRIGGS. I understand that; but at the same time the names of lawyers who practice at the bar are readily accessible, and attorneys should not be permitted to practice before the Patent Office unless they are capable and lawyers of good reputation. I think the Patent Office ought to be circumspect in looking into the qualifications of lawyers, both as to their character and ability; and such as do not come up to that standard should not be allowed to practice.

Mr. PERKINS. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I yield to the gentleman from New York five minutes.

Mr. LA GUARDIA. Mr. Speaker, this bill is very desirable and its purpose is to prevent fraud and imposition. The purpose of the bill is to eliminate or regulate fakers and impostors. It will give no trouble to reputable attorneys of good standing. But the bill does not go far enough. I am sorry we have not the opportunity to perfect it. Let me call the attention of the House to section 4. That will not give full protection. That will afford opportunity for misrepresentation. I know condi-

tions in the large cities. Conditions are quite different than in small towns where everybody knows everybody else. Before a man can give himself out as a practicing attorney he must be admitted to the bar. Section 4 permits a patent lawyer to represent himself as an attorney if he is admitted to the bar of any State or Territory regardless of where he may have his office. That is most unsatisfactory. He should be admitted to practice in the State where his office is located. The type of unfit men who represent themselves as lawyers might go down to the Canal Zone or up into Alaska and become what our friend DAN SUTHERLAND calls a "sock-in-the-eye lawyer." Under this bill a man without the required qualifications can go into a State and hold himself out as an attorney. He can hold himself out as a patent attorney, put out his shingle with the word "patent" in very small letters and as an attorney in big letters. This bill puts him in a position to practice the very deception the bar of nearly every State has been endeavoring to prevent.

I submit, gentlemen, that it is not fair to States having high requirements for admission to practice, as we have in New York, as the gentleman has in New Jersey, and as the gentleman has in Michigan, to open this avenue and permit a man to hold himself out as an attorney because he is a patent attorney, and because he has been admitted to practice down in the Canal Zone or up in Alaska.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. CRAMTON. I think the gentleman does not quite picture the situation correctly. This section 4 is a sort of by-product of the bill. It is not the big feature of the bill. But suppose I am admitted to practice in the State of Michigan. I come to the city of New York and open an office to practice patent law. I am not interested in the courts of New York. I am a lawyer, and under this provision, if admitted to practice before the Patent Office, I can call myself a patent attorney. Why should I be required to secure admission to practice in New York State? My law office is there. The suggestion of the gentleman would require me to do that. By reason of my admission in Michigan I can fairly easily become admitted to the Federal courts in the city of Washington, and an appeal in a patent case from the Patent Office is placed in certain Federal courts in Washington. I am entitled to practice in those courts. That is all that is necessary.

Mr. LAGUARDIA. But this gives a man a right to call himself an attorney.

Mr. CRAMTON. I get that anyway.

Mr. LAGUARDIA. If he is given the right to call himself an attorney, then consideration for the State in which he practices should make him comply with the requirements of law of that State. A person may represent himself as an attorney when as a matter of fact he is not admitted to the bar. We may go after him under the State law, and he will say, "I have a right to call myself an attorney; the Congress of the United States gives me the right." That is my objection to section 4.

Mr. CRAMTON. I might emphasize this to the gentleman: Everything that the gentleman complains of as being possible after this becomes law, exists to-day.

Mr. LAGUARDIA. Exactly.

Mr. CRAMTON. That man, without having been admitted to practice in any court, can open an office in New York City and put up a sign "patent attorney" without ever having been admitted to practice in any court.

Mr. LAGUARDIA. I am in sympathy with the bill. There is great need for it. But, if we are going to do a job, let us do it right, and you are not helping us in New York or in any of the States having high requirements by the loophole contained in section 4.

The SPEAKER. The time of the gentleman has expired.

Mr. SCHAFER of Wisconsin. I yield the gentleman from New York two minutes more.

Mr. LAGUARDIA. You are not helping us in New York or in any of these States having high requirements if you provide that he may be admitted down in the Canal Zone or in any State having very low standards of requirements for admission to the bar, and permit that man to call himself an attorney, simply because he is admitted to practice in the Patent Office.

Mr. JENKINS. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. JENKINS. Will not the gentleman agree that practically all of the patent business of the country is done in three or four large cities? Would not the amendment which the gentleman suggests result in a complete wiping out of all the business that any patent attorney has in any small town and concentrating it more and more in the big cities?

Mr. LAGUARDIA. I would not think so. In fact, it would have a tendency to send to the small towns men who could not qualify in the cities of States having strict requirements for the privilege of practicing law.

Mr. JENKINS. I am an attorney in a small town. I do not practice patent law at all; but if I should have a case, I would constantly be in danger if I wanted to present that case in New York or Chicago of having to go there and qualify under the laws of that State.

Mr. LAGUARDIA. If a lawyer has an office in a State and desires to call himself an attorney, he should be made to qualify in that State.

Mr. JENKINS. But I will be practicing in the United States court, where the rules of practice are the same in Chicago as in my section. Why should I have to go there and be admitted to the bar in that State?

Mr. LAGUARDIA. The gentleman will not accomplish the purpose he has in mind by section 4. The rest of the bill is very good. I would suggest an amendment, if this bill were open to amendments, requiring an attorney to qualify as such in the State where he practices.

Mr. SCHAFER of Wisconsin. I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, I rise more than anything else to continue the discussion that was suggested by the gentleman from Virginia [Mr. MOORE]. I ask the attention of the author of the bill and the gentleman who is supporting the bill.

The gentleman stated in his reply to the gentleman from Virginia [Mr. MOORE] that a patent agent would be authorized under this law to practice before the department. I do not so understand the bill. I understand that the purpose of this bill is to bar any person who is not an attorney, other than those who are at present registered, unless they are qualified attorneys, admitted to the bar of some State or Territory. I question very much the advisability of having the right limited only to members of the bar of the various States. Every lawyer present knows that it requires special qualifications of a high technical order to qualify as a patent attorney. A man must be versed either in mechanical engineering or physical engineering or the details of some sort of engineering. I am in hearty sympathy with the provisions of this bill, which seeks to get rid of the shyster practitioner. There are many of them. The public has suffered by reason of their practices, but I question whether the great number of examiners in the Patent Office, who pass their probationary period as examiners and who are not members of the bar, not versed in the technique of corporation law or pleading or of the various other branches that qualify a lawyer to practice, would be able in any way to qualify under the terms of this provision; and yet they are the very men who are entitled to qualify as patent attorneys.

Men come here from college and take employment in the Patent Office as examiners. They serve a probationary period for a number of years and get acquainted with the Patent Office practice and go out in the field. If they are reputable persons they should be certified to practice before the Patent Office; but they would not be permitted to practice, under the terms of this bill, unless they have the qualifications as a member of the bar of some State. Those qualifications are becoming more and difficult—in many States it being necessary for the applicant to have been graduated from a creditable law school.

Mr. PERKINS. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PERKINS. Your objection is that it is too difficult to get admitted, and the objection of the gentleman from New York is that it is too easy to get admitted.

Mr. STAFFORD. I do not agree with the position of the gentleman from New York at all. I think there are certain qualifications that are necessary to practice in the Patent Office. The qualifications that are required of members of the bar are not all-prevailing.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRAMTON. As to this matter of the right of a person to practice under this bill who is not admitted to practice generally in the courts, the gentleman will notice that on page 1, line 3, the reference is to a patent agent or patent attorney, but when it comes to section 4, forbidding anyone to practice as a patent attorney, patent lawyer, patent solicitor, or patent counselor, nothing is said about a patent agent, and a man who has not been admitted to practice in the courts generally can be admitted under this bill to practice as a patent agent before the Patent Office. The purpose is to prevent the use of that word which signifies a standing he has not had.

Mr. PERKINS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. PERKINS. Under section 2 a man may be a patent agent and duly authorized to practice as a patent agent in the Patent Office. That may be done. But, as indicated by the gentleman from Michigan, under section 4 he can not hold himself out to be a lawyer, attorney, solicitor, or counselor.

Mr. STAFFORD. Then, as I understand the gentleman's position, even after this bill becomes a law he may still be registered as a patent agent and practice before the Patent Office in the presentation of patent applications.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. STAFFORD. But he can not hold himself out as a patent attorney. Is that the fact?

Mr. PERKINS. No; I think that after the passage of this act he must be admitted somewhere as a lawyer, as an attorney, or a solicitor before he can be admitted as a patent attorney or solicitor.

Mr. STAFFORD. Will he be able to practice as a patent agent?

Mr. PERKINS. No; unless he is now admitted as such.

Mr. STAFFORD. That brings up the very question I advanced and the very point at issue between the author of the bill and the sponsor of the bill. I was under the impression that hereafter a person in order to practice before the Patent Office must be admitted to practice before some bar of a State.

Mr. LA GUARDIA. That is my understanding.

Mr. PERKINS. I will correct myself. He may be admitted to act as a patent agent, but after the passage of this act no one who is not admitted to the bar generally can hold himself out to be a patent attorney, patent lawyer, patent solicitor, or patent counselor.

Mr. STAFFORD. A person without being a member of the bar may be registered as a patent agent to practice before the Commissioner of Patents?

Mr. PERKINS. He may.

Mr. STAFFORD. Mr. Speaker, I yield back the remainder of my time.

Mr. PERKINS. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker and gentlemen of the House, every court has the right to regulate the practice before it, and for fraudulent conduct on the part of an attorney can disbar that attorney from practicing in that court. That is true of the Patent Office of the United States. You can not be admitted except on certain conditions to practice before that office. Having been admitted, if you are convicted of fraud or other improper conduct, you can be removed from the rolls. There is greater need of having good faith on the part of attorneys in patent law than generally, because there is so much of it carried on in the way of mail-order business and in remote communities.

Any man is authorized under the law to handle his own case in the Patent Office without an attorney. Now, here is what happens. Certain individuals who have been disbarred from practicing in the Patent Office or who could not be admitted to practice continue to practice in that office in this way: I make an application for a patent and see the advertisement of John Jones a thousand miles away asking for my business, or I see a corporation, some altruistic outfit. I employ them to handle my case, but they can not appear in the Patent Office, so the case is filed in my name, the Patent Office writes to me, I turn the correspondence over to them, and they handle it. While all the correspondence goes to my address, this faker is actually handling the case, and in that way they evade the present law.

I had a case where an organization took the case of a man in my district, and they milked this poor old fellow, who wanted to send his girl to college, out of \$1,500 without giving him anything in return. When I took it up with the Patent Office I found the Patent Office did not know anything about this organization. They could not discipline that organization. A lawyer was handling the business before them, a man properly admitted, but who denied knowing anything about the fraud, and hence he could not be disciplined as he could not be shown to have had any relations with my constituent.

So this bill is devised to prevent anybody from soliciting patent business to handle before the Patent Office unless the man who solicits the business is authorized himself to go before the Patent Office and look after it. That does not seem to be radical or unfair, and that is the big feature of this bill.

Mr. BLOOM. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLOOM. That is a part of the law at the present time, is it not?

Mr. CRAMTON. No.

Mr. BLOOM. No one can appear before the Patent Office unless he is a registered patent attorney or agent; is not that right?

Mr. CRAMTON. But he can advertise all over the United States for business and pick up poor fellows like the man in my district who lost the \$1,500.

Mr. BLOOM. I am in sympathy with the idea of the bill, and the only thing I want to bring out before the Members is that this is the same as the law at the present time, except that a man can not by subterfuge come in and act as a patent attorney or patent agent.

Mr. CRAMTON. It gives them no authority to disbar a man that does not exist now. Under this bill a man must be admitted to practice in the Patent Office and be in a position to handle the business. He can not hold himself before the people of the country as being in a position to handle the business unless he is actually in that position.

Mr. BLOOM. The idea is that after they have been disbarred by the Patent Office they hire people to solicit business for them indirectly.

Mr. CRAMTON. And they continue to advertise themselves. After being disbarred or after resigning for fear of being disbarred, they go ahead soliciting business in the newspapers of the country just the same as ever.

I think this covers the purpose of the bill and will cause the bill to meet with the approval of the House.

I yield back the balance of my time.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I yield myself one minute. After listening to the presentation of the case by members of the committee reporting the bill I have reached a conclusion to support and vote for this bill and unless some other Member desires the remaining time which I have, under my demand for a second, I yield back the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from New Jersey [Mr. PERKINS] to suspend the rules and pass the bill.

The question was taken and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMENDMENT OF THE TRADE-MARK ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10076) to amend sections 476, 482, and 4934 of the Revised Statutes, sections 1 and 14 of the trade-mark act of February 20, 1905, as amended, and section 1(b) of the trade-mark act of March 19, 1920, and for other purposes. The Clerk read the bill, as follows:

Be it enacted, etc., That section 476 of the Revised Statutes, as amended (U. S. C., title 35, sec. 2), is amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and nine examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioners shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents, in accordance with existing law."

SEC. 2. Section 482 of the Revised Statutes, as amended (U. S. C., title 35, sec. 7), is hereby amended by substituting the words "assistant commissioners" for the words "assistant commissioner," in conformity with the provisions of section 1 of this bill.

SEC. 3. Section 4934 of the Revised Statutes, as amended (U. S. C., title 35, sec. 78), is amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, \$25, and \$1 for each claim in excess of 20.

"On issuing each original patent, except in design cases, \$25, and \$1 for each claim in excess of 20.

"In design cases: For 3 years and 6 months, \$10; for 7 years, \$15; for 14 years, \$30.

"On every application for the reissue of a patent, \$30.

"On filing each disclaimer, \$10.

"On an appeal for the first time from the primary examiners to the Board of Appeals, \$15.

"On every appeal from the examiner of interferences to the Board of Appeals, \$25.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published, for \$50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 50 cents.

"For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, \$3; for each additional two pages or less, \$1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 50 cents additional.

"For copies of drawings, the reasonable cost of making them."

SEC. 4. That sections 1 and 14 of the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, as amended (U. S. C., title 15, sec. 81); and section 1 (b) of the act of March 19, 1920, entitled "An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes" (U. S. C., title 15, sec. 109) are hereby amended by providing that the fee for registration of trade-marks and renewals of registrations shall be \$15.

SEC. 5. The money required for the Patent Office each year, commencing with the fiscal year 1932, shall be appropriated by law out of the revenues of that office, except as otherwise provided by law.

SEC. 6. The Commissioner of Patents is hereby authorized to annually destroy or otherwise dispose of all the files and papers belonging to all abandoned applications which have been on file for more than 20 years.

SEC. 7. This act shall take effect upon the date of its enactment, except that sections 3 and 4 shall take effect on the 1st day of June, 1930.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am not. I am demanding a second merely for the purpose of having the gentleman from New Jersey explain the bill.

The SPEAKER. Does any gentleman opposed to the bill desire recognition? If not, the Chair recognizes the gentleman from Wisconsin.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PERKINS. Mr. Speaker and gentlemen of the House, the purpose of this bill is to permit the Patent Office to catch up with its work. In effect, it raises the cost of the application \$5 and the cost of the final patent \$5 and makes a few other small changes in the charges of the Patent Office.

At the present time the Patent Office is running a deficit of something like \$600,000 a year and is seven or eight months behind in its work. Under an act which was recently passed by this House, and which, for its operation will depend upon the passage of this bill, 110 additional examiners and 30 additional clerks were put on in the Patent Office in order to catch up with the work.

You can all understand that when a man has what he thinks is a valuable invention, and makes application for a patent and has to wait 3 or 4 or 6 months, or even longer, the cost to him is not the original fee of \$25 that he pays, but the long waiting and the disappointment involved. The object of this bill is merely to raise the fee \$5, and as I have stated, make some other slight changes so that the 110 additional examiners and the 30 additional clerks may be put on, in order that the Patent Office may catch up with its work; not only will the bill have this effect, but it will wipe out the deficit in operating the Patent Office and produce a small revenue.

In the granting of patents the Government grants a monopoly, and there is no reason why the person who is purchasing a monopoly should not pay fully for it. The applicant should be willing to pay for the service, and the chief quarrel that the public now has with the Patent Office is the long delay in acting upon applications. If we pass this bill it will shorten the time within which patents are acted upon and will wipe out the deficit of over \$600,000 now accruing annually in the Patent Office. This will satisfy the public, and no one will pay for it except the man who is applying for and obtaining a patent.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. PERKINS. I yield.

Mr. ENGLEBRIGHT. As I recall, there was no protest to the committee from anybody on the raising of these fees.

Mr. PERKINS. No; no one has appeared before the committee who was not more anxious to have more rapid action in the Patent Office rather than to save \$5.

Mr. STAFFORD and Mr. BLOOM rose.

Mr. PERKINS. I yield first to the gentleman from Wisconsin.

Mr. STAFFORD. I direct the gentleman's attention to section 4 purporting to amend some acts which are confirmatory of conventions entered into with other nations, and I wish to inquire of the gentleman whether these conventions or treaties prescribe any fees for the registration of trade-marks and the like.

Mr. PERKINS. The gentleman means in foreign countries?

Mr. STAFFORD. In section 4 we are proposing to amend a certain act giving effect to certain provisions of a convention for the protection of trade-marks and commercial names entered into at the city of Buenos Aires on August 20, 1910. In this particular you are increasing the fee to \$15. Is the gentleman proposing to change the convention in that particular?

Mr. PERKINS. Not at all; this merely raises the fee from \$10 to \$15.

Mr. STAFFORD. Does the original convention provide that the fee shall be \$10?

Mr. PERKINS. No; I think it is wholly a matter within our jurisdiction and this bill does not in any way affect that convention.

Mr. STAFFORD. May I inquire further whether we have any treaties or conventions with other nations in which the fees to be charged by our Government for the issuance of patents to their natives are fixed?

Mr. PERKINS. I think I am safe in saying that we have not; at any rate, we have none that will be affected by this bill.

Mr. JENKINS. Will the gentleman yield for a question?

Mr. PERKINS. I yield.

Mr. JENKINS. Can the gentleman tell how long the present schedule of fees has been in vogue?

Mr. PERKINS. It has been in force a long while. I can not tell exactly how long.

Mr. JENKINS. There has not been any change since war times, for instance?

Mr. BLOOM. We raised them on copyrights.

Mr. PERKINS. We raised some on the copyrights but none on the patent rights.

Mr. CRAMTON. As I understand the theory of the bill, it is that the fees will be increased, and that then more liberal appropriations are to be made so that the Patent Office can have sufficient personnel to keep the work current.

Mr. PERKINS. Yes; and I am informed an appropriation has already been authorized.

Mr. BLOOM. In line with the question that the gentleman asked, what assurance is there that the salary of the examiners will be increased according to the raise on the price of the patent?

Mr. PERKINS. Well, we are getting more examiners, but not increasing the pay.

Mr. BLOOM. At a higher salary?

Mr. PERKINS. I do not think that the examiners are adequately paid. The trouble is that the Patent Office to-day has difficulty in keeping the examiners at the salaries they are getting. By this measure we are putting on more examiners, not increasing salaries.

Mr. BLOOM. The Patent Office can not secure examiners at the salary they are paying to-day.

Mr. PERKINS. We can get them, but we can not keep them.

Mr. BLOOM. Why not increase the salaries of the examiners, so that the examiners will not leave?

Mr. PERKINS. I agree to that, but that will have to be taken care of in another bill. The bill I am trying to pass to-day is to provide more examiners and more clerks, in order that we may catch up with the work.

Mr. STAFFORD. I notice there is no provision relating to the continued publication of the Official Gazette. I remember that for years I have received a copy of that publication. I had no personal use for it. There is a demand for it among patent attorneys. Here we are providing for certain copies of specifications of patents to be furnished public libraries at certain yearly rates. Has the committee given any consideration to the distribution of the Official Gazette?

Mr. PERKINS. Not in connection with this bill. I think all Members of Congress receive the publication you have mentioned.

Mr. STAFFORD. As I stated I receive a copy, but I do not know what to do with it. The expense of printing it is an added burden on the Government.

Mr. PERKINS. The practical thing for the gentleman to do is to find some patent attorney in his district who desires it.

Mr. STAFFORD. Patent attorneys subscribe for the Gazette. Why should I pick out one patent attorney and favor him?

Mr. PERKINS. Another way is to ask the office not to send it to you.

Mr. STAFFORD. Why should we be accorded a copy of this Gazette when we have no need of it? Why should the Government send us a copy when we do not need it?

Mr. BLOOM. But many Members have practical need of it.

Mr. BRIGGS. Will the gentleman yield?

Mr. PERKINS. I yield.

Mr. BRIGGS. Has the Patent Office assured the committee that with this help they can take care of the applications, so that the applicant can get a ruling within a reasonable time without waiting nine months?

Mr. PERKINS. If this bill passes, these applications will be taken care of in as brief a time as it is possible, considering the nature of the work.

Mr. BRIGGS. In how short a time?

Mr. BLOOM. It now takes five to six months before final action upon an application for a patent. If this bill passes, applicants will get a ruling on the applications within three months.

Mr. STAFFORD. Mr. Speaker, I have no further use for the time accorded me.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken (and two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

BEY MARIO AROSEMENA

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider Senate Joint Resolution 17, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama.

The SPEAKER. Does the gentleman state that it is an emergency measure?

Mr. SANDLIN. The purpose of the bill is to allow a citizen of Panama to be appointed to the West Point Military Academy. It is an emergency matter for the reason that the examination has to be held, if the appointment is made, about the middle of April.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Joint Resolution 17

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Bey Mario Arosemena to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that Bey Mario Arosemena shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Bey Mario Arosemena shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *Provided further*, That in the case of said Bey Mario Arosemena the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to get the viewpoint of the Speaker as to the consideration of this character of legislation. A number of similar bills have been reported from the Committee on Military Affairs and are on the Private Calendar, extending this privilege to the citizens of other countries in South America. If we are going to extend the privilege to a native of this country, I assume that we should extend it to natives of other countries.

The SPEAKER. The Chair rarely recognizes Members for bills of a purely private nature, but in a case like this, where it involves a question of comity between two nations, the Chair thinks he is justified in doing so.

Mr. STAFFORD. There are three or four or five if not more bills of a similar character on the calendar, and I am wondering whether the Speaker would recognize Members either to-day or two weeks hence to pass those respective bills.

The SPEAKER. Where a question of emergency exists, the Chair will be very glad to recognize some one for that purpose.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

TABLET TO MARK BIRTHPLACE OF WILLIAM RUFUS KING

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10171) providing

for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The SPEAKER. Does the gentleman state that this is an emergency matter?

Mr. ABERNETHY. It is.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in carrying into effect the provisions of the act approved May 23, 1928 (45 Stats. 719), and February 28, 1929 (45 Stats. 1378), providing for the construction of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States, the Secretary of War is authorized to do all things necessary to accomplish said purpose, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. SCHAFER of Wisconsin. What is the nature of this emergency?

Mr. LAGUARDIA. An appropriation has already been provided for a competition, but no one competed.

Mr. ABERNETHY. That is correct. The appropriation is for \$2,500, and the citizens down there have raised \$750 more. The Fine Arts Commission and the sculptor and all of them have agreed on taking it for just exactly what they can get it for. We had the celebration planned for, when all of a sudden the comptroller said that it had to be let out at competitive bids, and nobody competed.

Mr. SCHAFER of Wisconsin. What is the amount of the appropriation?

Mr. ABERNETHY. Two thousand five hundred dollars.

Mr. SCHAFER of Wisconsin. And the emergency exists by reason of the Comptroller General's position?

Mr. ABERNETHY. That is all.

Mr. SCHAFER of Wisconsin. I certainly shall not object.

Mr. BLACK. I never could see any emergency about a living Vice President, and I do not see how the gentleman could find one about a dead one.

Mr. ABERNETHY. The emergency here is that this Vice President happens to be related to the Speaker of the House and a former Member of Congress from my district. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MINNESOTA RIVER AT HENDERSON, MINN.

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9989) granting the consent of Congress to the State of Minnesota, Le Sueur County, and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.

The SPEAKER. Does the gentleman state that there is an emergency existing?

Mr. ANDRESEN. There is.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota, Le Sueur County, and Sibley County, in the State of Minnesota, to construct, maintain, and operate a free bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation, at or near Henderson, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PER CAPITA PAYMENT TO SHOSHONE AND ARAPAHOE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10216) authorizing per capita payments to the Shoshone and Arapahoe Indians, and ask unanimous consent to consider in lieu of it an identical Senate bill, S. 3579, with identical title, which is now on the Speaker's table.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such rules and regulations as he may prescribe, to make reasonable per capita payments to the Shoshone and Arapahoe Indians in the State of Wyoming from their tribal funds deposited in the United States Treasury under the act of August 21, 1916 (39 Stat. L. 519).

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will the gentleman accept an amendment limiting this to one per capita payment of \$25?

Mr. LEAVITT. Mr. Speaker, this matter has been taken up with the Wyoming Senator, Senator KENDRICK, and he has agreed to it. That will be a satisfactory amendment. It is his bill which passed the Senate.

Mr. SCHAFER of Wisconsin. What is the nature of the emergency that requires the passage of this bill out of order?

Mr. LEAVITT. It is found in the report, where it is stated that reports indicate a very serious situation among the Indians of this tribe on account of a partial crop failure last year, with the result that the Indians have very little money to provide themselves with the necessities of life or to finance their spring farming activity.

Mr. SCHAFER of Wisconsin. I believe that is an emergency.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: In line 5, strike out the word "reasonable" and insert in lieu thereof the article "a," and in line 6, strike out the word "payments" and insert "payment of \$25."

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 10216) was ordered to lie on the table.

CERTAIN DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CALIF.

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 6809, No. 224 on the Consent Calendar. Certain gentlemen reserved the right to object to it, but they are now willing to withdraw their objection.

The SPEAKER. Without objection, the clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and sections 3, 4, 5, 6, 7, 8, 18, and 19, township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1933, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been made. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1933, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding three years.

With a committee amendment as follows:

On page 2, line 15, strike out the word "three" and insert in lieu thereof the word "five."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

PAVING AT HOSPITAL NO. 90, MUSKOGEE, OKLA.

The next business on the Consent Calendar was the bill (H. R. 9325) to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to hospital No. 90, at Muskogee, Okla., and to authorize the use of \$4,950 of funds appropriated for hospital purposes, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, what kind of a pavement is going to be put down around this hospital?

Mr. HASTINGS. It is a concrete pavement. It is to pave the space between the hospital on the one side and the cottages on the other. It has a boulevard right above it leading to the Government property on both sides. This simply authorizes the pavement out of the hospital funds; to pave that stretch of street which is in between the Government property and the Government cottages on the east side of the road.

Mr. SCHAFER of Wisconsin. I want to find out whether this appropriation is sufficient to put down a good and substantial pavement, and not one of those camouflage pavements that have been put down around some of our soldiers' homes.

Mr. HASTINGS. It is to be a good, substantial pavement.

Mr. STAFFORD. This is to pave the street between the hospital and the Government cottages?

Mr. HASTINGS. Yes.

Mr. STAFFORD. I understand that this does not violate the rule respecting the Government providing a highway?

Mr. HASTINGS. That is true. The street is improved up to the hospital. This is to provide the paving between the street and the Government property.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the United States Veterans' Bureau be, and it is hereby authorized to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and between the said hospital and the Government cottages on the east side of the road, and to use for said purposes \$4,950 of the funds appropriated for hospital purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GIBSON (at the request of Mr. BRIGHAM), for one week, on account of important business; and

To Mr. WURZBACH, for 10 days, on account of important business.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway; to the Committee on Interstate and Foreign Commerce;

S. 3745. An act to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.; to the Committee on Interstate and Foreign Commerce;

S. 3747. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River; to the Committee on Interstate and Foreign Commerce; and

S. J. Res. 151. Joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado; to the Committee on Irrigation and Reclamation.

ENROLLED BILL SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 8423. An act granting the consent of Congress to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge across the Mississippi River at or near Topeka, Minn.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did, on February 11, 1930, present to the President, for his approval, a bill of the House of the following title:

H. R. 2824. An act to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Fort Donelson, Tenn., approved March 26, 1928."

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 18, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 18, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m. and 2 p. m.)

Navy Department appropriation bill.

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works at the navy yard, Philadelphia, Pa. (H. R. 10166).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To consider proposals for legislation concerning Muscle Shoals.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

365. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Hollywood Harbor, Fla.; to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

366. A letter from the Secretary of War, transmitting draft of a bill to authorize the acquisition of a right of way for sewer pipe line in connection with the Fort Bragg Military Reservation, N. C.; to the Committee on Military Affairs.

367. A letter from the Secretary of War, transmitting draft of a bill to authorize certain activities for the maintenance of the Army; to the Committee on Military Affairs.

368. A letter from the Acting Secretary of the Navy, transmitting draft of a bill for the relief of George W. Steele, jr., captain, United States Navy; to the Committee on Claims.

369. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year 1930, amounting to \$25,000, for the expenses of participation by the United States by means of delegates in the International Conference for the Codification of International Law at The Hague in March, 1930 (H. Doc. No. 319); to the Committee on Appropriations and ordered to be printed.

370. A letter from the Secretary of the Interior, transmitting a letter from the Commissioner of Pensions, dated March 11, 1930, together with the ninth annual report of the board of actuaries of the civil-service retirement and disability fund (H. Doc. No. 320); to the Committee on the Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SIMMONS: Committee on Appropriations. H. R. 10813. A bill making appropriations for the government of the District

of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; without amendment (Rept. No. 908). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 704. A bill to grant relief to those States which brought State-owned property into the Federal service in 1917; with amendment (Rept. No. 909). Referred to the Committee of the Whole House on the state of the Union.

Mrs. LANGLEY: Committee on Immigration and Naturalization. H. R. 5627. A bill relating to the naturalization of certain aliens; without amendment (Rept. No. 910). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10118. A bill to authorize the Secretary of War to lend War Department equipment for use at the Twelfth National Convention of the American Legion at Boston, Mass., during the month of October, 1930; without amendment (Rept. No. 911). Referred to the House Calendar.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 2029. A bill to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase; without amendment (Rept. No. 919). Referred to the House Calendar.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 6846. A bill to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the Massachusetts Bay Colony; without amendment (Rept. No. 920). Referred to the House Calendar.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. H. R. 9894. A bill to discontinue the coinage of the two and one-half dollar gold piece; without amendment (Rept. No. 921). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 10375. A bill to provide for the retirement of disabled nurses in the Navy; without amendment (Rept. No. 922). Referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS of California: Committee on Naval Affairs. H. R. 10662. A bill providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist; without amendment (Rept. No. 923). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 10674. A bill authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty; without amendment (Rept. No. 924). Referred to the Committee of the Whole House on the state of the Union.

REPORT OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DOXEY: Committee on Claims. H. R. 2222. A bill for the relief of Laurin Gosney; with amendment (Rept. 904). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2645. A bill for the relief of Homer Elmer Cox; without amendment (Rept. No. 905). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 9398. A bill for the relief of Dr. J. T. Wood; with amendment (Rept. No. 906). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 593. A bill for the relief of First Lieut. John R. Bailey; with amendment (Rept. No. 912). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 596. A bill for the relief of Lieut. James Floyd Terrell, Medical Corps, United States Navy; with amendment (Rept. No. 913). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 648. A bill for the relief of Thomas H. Deal; without amendment (Rept. No. 914). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 8169. A bill for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.; without amendment (Rept. No. 915). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 8589. A bill for the relief of Charles J. Ferris, major, United States Army, retired; without amendment (Rept. No. 916). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 10737. A bill for the relief of G. W. Gilkison; with amendment (Rept. No. 917). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 6186. A bill for the relief of Frank Storms; with amendment (Rept. No. 918). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 383) granting a pension to Rachel Caroline Pardoe, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMMONS: A bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. JAMES (by request of the War Department): A bill (H. R. 10814) to make the net proceeds arising from sales of surplus supplies of the War Department available for the procurement of supplies and equipment necessary for reducing any deficit now or hereafter existing in the authorized war reserves, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 10815) to establish a hydrographic office at Grays Harbor, State of Washington; to the Committee on Naval Affairs.

Also, a bill (H. R. 10816) to construe the contract-labor provisions of the immigration act of 1917 with reference to instrumental musicians, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT: A bill (H. R. 10817) to extend to the northern Cheyenne Indians of Montana rights and benefits under certain treaties; to the Committee on Indian Affairs.

Also, a bill (H. R. 10818) to extend the provisions of Public Resolution 47, Seventy-first Congress, entitled "Joint resolution for the relief of farmers in the storm, flood, and/or drought stricken areas of Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Oklahoma, Indiana, Illinois, Minnesota, North Dakota, Montana, New Mexico, and Missouri"; to the Committee on Agriculture.

By Mr. LINTHICUM: A bill (H. R. 10819) to direct The Adjutant General of the Army; the Bureau of Navigation, Navy Department; the Major General Commandant United States Marine Corps; and the commandant United States Coast Guard, in certain cases to transfer the statements of World War service to the State, Territory, District of Columbia, or insular possession of the United States wherein true legal residence is shown, and to credit the service accordingly in the record and statistics of the World War; to the Committee on Military Affairs.

By Mr. NELSON of Maine: A bill (H. R. 10820) to establish a commercial airport for the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. REED of New York: A bill (H. R. 10821) to provide for the further development of vocational education in the several States and Territories, and for other purposes; to the Committee on Education.

By Mr. WALKER: A bill (H. R. 10822) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. CHRISTGAU: A bill (H. R. 10823) to grant a right of way or easement over lands of the United States within the Upper Mississippi River Wild Life and Fish Refuge to the Wabasha-Nelson Bridge Co., assignee of the Wabasha bridge committee, for the construction of a bridge from Wabasha, Minn., to Nelson, Wis., as authorized by the act of March 10, 1928, as amended December 13, 1929; to the Committee on Agriculture.

By Mr. DRANE: A bill (H. R. 10824) providing for the purchase of a suitable site and the erection of a public building at Lake Wales, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10825) providing for the purchase of a suitable site and the erection of a public building at Eustis, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. O'CONNELL of New York: A bill (H. R. 10826) to provide for the renewal of passports; to the Committee on Foreign Affairs.

By Mr. GARBER of Oklahoma: A bill (H. R. 10827) to authorize the Postmaster General to give substitute laborers in first and second class post offices and in the Railway Mail Service credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10828) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the experiment station of the Panhandle Agricultural and Mechanical College, located at Goodwell, Okla.; to the Committee on Agriculture.

By Mr. HARDY: A bill (H. R. 10829) authorizing the construction of a drainage channel in the closed basin of the San Luis Valley in Colorado, authorizing investigation of reservoir sites, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. HENRY T. RAINEY: A bill (H. R. 10830) to amend certain sections of the Federal farm loan act approved July 17, 1916, and of the agricultural marketing act, approved June 15, 1929; to the Committee on Banking and Currency.

By Mr. COLE: Joint resolution (H. J. Res. 269) to provide for the expenses of the sixth session of the Permanent International Association of Road Congresses, Washington, 1930; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 270) authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Conference, to be held at Lima, Peru, July, 1930; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 271) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ALDRICH: Memorial of the General Assembly of the State of Rhode Island urging the passage of legislation providing for a properly equipped lightship southwest of Block Island, R. I.; to the Committee on Interstate and Foreign Commerce.

Resolution of the House of Representatives of the Republic of Cuba, transmitting a message of condolence on the death of Hon. William H. Taft, who was provisional Governor of Cuba; to the Committee on Foreign Affairs.

By Mr. O'CONNELL of Rhode Island: Memorial of the General Assembly of the State of Rhode Island recommending to Congress the passage of legislation providing for a lightship southwest of Block Island, as an aid to navigation; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 10831) granting an increase of pension to Jesse T. Braddy; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 10832) granting an increase of pension to Melissa A. Hazell; to the Committee on Invalid Pensions.

By Mr. BAIRD: A bill (H. R. 10833) granting a pension to Rose B. Cochran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10834) granting a pension to Fannie Stults; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10835) granting an increase of pension to Anna Bossard; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 10836) granting an increase of pension to Sarah B. Pheasant King; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 10837) granting a pension to William Marks; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 10838) granting a pension to Mary B. Male; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10839) granting an increase of pension to Anna Beachler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10840) granting an increase of pension to Sarah E. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10841) granting an increase of pension to Pamela W. Favorite; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 10842) for the relief of George W. Steele, jr., captain, United States Navy; to the Committee on Naval Affairs.

By Mr. CABLE: A bill (H. R. 10843) for the relief of Benjamin F. Yazel; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 10844) granting an increase of pension to Mary Elizabeth Goff; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 10845) granting a pension to Elizabeth Frances Baker; to the Committee on Invalid Pensions.

By Mr. CHALMERS: A bill (H. R. 10846) for a preliminary examination and survey of the Maumee, Wabash, St. Joseph, and St. Marys Rivers in Indiana and for the construction of canals; to the Committee on Rivers and Harbors.

By Mr. CHRISTOPHERSON: A bill (H. R. 10847) granting an increase of pension to Henrietta A. Fredericksen; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10848) granting a pension to Matilda Hunt; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 10849) for the relief of Charles W. Dworack; to the Committee on Claims.

Also, a bill (H. R. 10850) for the relief of Bernis Brien; to the Committee on Claims.

By Mr. FREEMAN: A bill (H. R. 10851) granting a pension to Florence M. Mosier; to the Committee on Invalid Pensions.

By Mr. HALSEY: A bill (H. R. 10852) granting an increase of pension to Sarah McPatterson; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 10853) granting increase of pension to Angeline Howe; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 10854) extending the benefits of the emergency officers' retirement act to Edwin C. Burdick; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 10855) granting a pension to Llewellyn N. Bushfield; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10856) granting an increase of pension to Willard M. Gorton; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10857) granting a pension to Ella Colvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10858) granting an increase of pension to Louisa Fist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10859) granting an increase of pension to Anna Sanders; to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 10860) to allow the distinguished-service medal in the World War to be awarded Capt. Kenneth C. Towe; to the Committee on Military Affairs.

Also, a bill (H. R. 10861) granting a pension to Thomas E. Carson; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 10862) granting a pension to Amanda Mellott; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10863) granting a pension to Troy Hill; to the Committee on Pensions.

By Mr. LEE of Texas: A bill (H. R. 10864) granting a pension to N. C. Brown; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 10865) to authorize Brig. Gen. William S. Thayer, Auxiliary Officers' Reserve Corps, and Brig. Gen. William H. Welch, Auxiliary Officers' Reserve Corps, to accept the awards of the French Legion of Honor; to the Committee on Foreign Affairs.

By Mr. LOZIER: A bill (H. R. 10866) granting an increase of pension to Prudence Cook; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10867) granting an increase of pension to Amanda M. Bailey; to the Committee on Pensions.

Also, a bill (H. R. 10868) granting an increase of pension to Nan Donaldson; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10869) granting an increase of pension to Lucy E. Findley; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 10870) granting a pension to Mary S. Bowles; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 10871) for the relief of Willard Centlivre; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 10872) granting an increase of pension to Eliza Ash; to the Committee on Invalid Pensions.

By Mr. SPARKS: A bill (H. R. 10873) granting a pension to Addie Young; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 10874) granting a pension to Frank J. Long; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 10875) for the relief of Charles Lamkin; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5702. Petition of the National Association of Builders Exchange, of Washington, D. C., requesting all departments of the Government, Federal, State, county, and municipal, to let all Government work on the contract plan and to the lowest responsible bidder; to the Committee on Labor.

5703. By Mr. ALLEN: Petition signed by citizens of Moline and Rock Island, Ill., urging early consideration and passage of House bill 2562 to increase the pensions of veterans of the Spanish War; to the Committee on Pensions.

5704. By Mr. BACON: Petition of citizens of Easthampton, Long Island, N. Y., in favor of increase of pension to Spanish War veterans and widows of veterans; to the Committee on Pensions.

5705. By Mr. BLAND: Petition of citizens of Virginia and Pennsylvania indorsing the bill for the exemption of dogs from vivisection as proposed by the international conference for the investigation of vivisection; to the Committee on the District of Columbia.

5706. By Mr. BLOOM: Petition of citizens of New York (not members of the United Spanish War Veterans or allied organizations) to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5707. By Mr. BRUNNER: Resolutions of the Republican Club of Astoria, Long Island, N. Y., favoring repeal of the eighteenth amendment and other Federal prohibition legislation, and that the right to determine the question of prohibition or nonprohibition or degree of prohibition should be exclusively within the province of the various States; to the Committee on the Judiciary.

5708. By Mr. BUCKBEE: Petition of Homer B. Dickens and 19 other citizens of Rockford, Ill., asking for early passage of House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5709. By Mr. CABLE: Petition of citizens of Miami County, Ohio, urging the passage of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5710. By Mr. CHALMERS: Petition signed by residents of Toledo, Ohio, urging the passage of legislation beneficial to Spanish War veterans; to the Committee on Pensions.

5711. By Mr. CHRISTOPHERSON: Petition of 64 residents of South Dakota, asking enactment of House bill 2562; to the Committee on Pensions.

5712. Also, petition of citizens of Union County, S. Dak.; to the Committee on Education.

5713. By Mr. CRAMTON: Petition of Snover Grange, No. 853, Sanilac County, Mich., in favor of the export debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5714. Also, petition of Bruce Armada Grange, No. 657, Macomb County, Mich., in favor of the debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5715. Also, petition of Fairgrove Grange, No. 1649, Tuscola County, Mich., in favor of the export debenture item in the pending tariff bill; to the Committee on Ways and Means.

5716. By Mr. DRANE: Petition of citizens of Venus, Highlands County, Fla., in support of pension legislation, bills H. R. 2562 and S. 476; to the Committee on Pensions.

5717. By Mr. DUNBAR: Petition of citizens of Clark County, Ind., urging early action on Senate bill 476 and House bill 2562 providing for increased rates of pension for veterans of the Spanish-American War and their dependents; to the Committee on Pensions.

5718. By Mr. FENN: Resolutions of the executive board of the Connecticut League of Women Voters (Inc.), favoring the passage of the so-called Jones-Cooper bill for the promotion of the health and welfare of mothers and infants, and for other purposes; to the Committee on Interstate and Foreign Commerce.

5719. Also, petition of citizens of Forestville, Conn., favoring the passage of legislation increasing the pensions of those who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

5720. By Mr. FITZPATRICK: Petition of the Young Men's Hebrew Association of the city of Mount Vernon, N. Y., opposing any change in the calendar which in any manner endangers the fixity of the Sabbath; to the Committee on Foreign Affairs.

5721. By Mr. FREEMAN: Petition of citizens of Vernon, Conn., requesting speeding consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the United States war with Spain; to the Committee on Pensions.

5722. By Mr. GARBER of Oklahoma: Petition of State board of pharmacy, Oklahoma City, Okla., urging support Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5723. By Mr. GARBER of Virginia: Petition of John F. Neese and 70 other citizens of Charlottesville, Albemarle County, Va., urging the passage of legislation to increase pensions paid to Spanish-American War veterans; to the Committee on Pensions.

5724. By Mr. GLOVER: Petition of citizens of the community of Stuttgart, Ark., urging the passage of House bill 2562 granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5725. By Mr. HAMMER: Petition signed by 68 citizens of Lexington, N. C., asking for more liberal pension legislation for veterans of the Spanish-American War; to the Committee on Pensions.

5726. By Mr. HANCOCK: Petition of M. G. Shea and other residents of Onondaga County, N. Y., in favor of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5727. Also, petition of Mrs. Paul Steinberg and other residents of Syracuse, N. Y., favoring Senate bill 476 and House bill 2562; to the Committee on Pensions.

5728. Also, petition of Mr. George Berg and other residents of Syracuse, N. Y., favoring the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5729. By Mr. HUDSON: Petition of citizens of Oakland County, Mich., urging favorable consideration of House bill 2562 providing benefits for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5730. Also, petition of citizens of Flint, Mich., urging the passage of House bill 2562 providing for increased rates of pensions to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5731. By Mr. KORELL: Petition of residents of Multnomah County, Oreg., advocating the passage of House bill 8976 for the relief of veterans, widows of veterans, and minor orphan children of Indian wars; to the Committee on Pensions.

5732. By Mr. LEAVITT: Petition of Bruno Fisher and other citizens of Polson, Mont., and vicinity, favoring increased rates of pension for veterans of the Spanish-American War and widows and orphans of veterans; to the Committee on Pensions.

5733. By Mr. LEE of Texas: Petition of citizens of Burnet County, favoring House bill 2562 and Senate bill 476; to the Committee on Pensions.

5734. By Mr. MAAS: Petition of citizens of St. Paul, Minn., to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5735. Also, petition of citizens of St. Paul, Minn., to grant increase of pension as provided in House bill 2562 to veterans who fought against Spain in 1898 and to those who engaged in the Philippine insurrection and the China relief expedition in 1900; to the Committee on Pensions.

5736. By Mr. MANLOVE: Petition of Clara Allen and 60 other citizens of Joplin, Mo., urging the passage of legislation in behalf of Spanish-American War veterans; to the Committee on Pensions.

5737. By Mr. MAPES: Petition of 31 residents of Grand Rapids, Mich., recommending the early enactment by Congress of the bills, S. 476 and H. R. 2562, providing increased rates of pension to veterans of the war with Spain; to the Committee on Pensions.

5738. By Mr. MOUSER: Petition of citizens of Marion and Delaware, Ohio, asking favorable action on House bill 2562 and Senate bill 476, known as the Spanish-American War increase in pension bill; to the Committee on Pensions.

5739. Also, petition of Stoker Women's Relief Corps, No. 72, Findlay, Ohio, signed by the membership, asking favorable action on pension bill, H. R. 8765; to the Committee on Invalid Pensions.

5740. By Mr. NIEDRINGHAUS: Petition of Sidney Shotwell and 62 other citizens of St. Louis and St. Louis County, urging speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

5741. By Mr. O'CONNELL of Rhode Island: Petition of 60 citizens of Woonsocket, R. I., urging passage of legislation providing for increase of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5742. By Mr. PALMER: Petition of Harry D. Durst, of Springfield, and a number of leading citizens of that city, asking for more liberal legislation for the Spanish War veterans and widows of veterans; to the Committee on Pensions.

5743. By Mr. QUAYLE: Petition of New York State Ladies' Auxiliary to New York State Association of Letter Carriers, favoring the passage of the La Follette-Kendall bill for a short Saturday work day for letter carriers in the Postal Service; to the Committee on the Post Office and Post Roads.

5744. Also, petition of Illinois State Federation of Post Office Clerks, favoring the passage of the Kendall bill (H. R. 6603) to provide a 44-hour week for the employees in the Postal Service; to the Committee on the Post Office and Post Roads.

5745. Also, petition of National Federation of Post Office Motor Vehicle Employees, favoring the passage of the Mead bill (H. R. 8373) reclassifying the salaries of motor-vehicle employees; to the Committee on the Post Office and Post Roads.

5746. Also, petition of Federal Grand Juror's Association for the Eastern District of New York, Brooklyn, N. Y., favoring the passage of the Porter bill creating a narcotic bureau; to the Committee on Foreign Affairs.

5747. By Mr. FRANK M. RAMEY: Petition of the Prairie Club, 38 South Dearborn Street, Chicago, Ill., urging passage of Senate bill 2908 and House bill 7994, known as the bald eagle protection act; to the Committee on Agriculture.

5748. By Mr. SCHNEIDER: Petition signed by breeders and friends of the rabbit industry at Oconto Falls and Lena, Wis., urging the establishment of a tariff duty on rabbit skins; to the Committee on Ways and Means.

5749. Also, petition of citizens of Marinette, Wis., urging the speedy consideration and passage of Senate bill 476 and House bill 2562 providing for increased rates of pension to Spanish War veterans; to the Committee on Pensions.

5750. By Mr. SPARKS: Petition of Richard Auer and 18 others, of Goodland, Kans., for the passage of the Sparks alien amendment No. 263; to the Committee on the Judiciary.

5751. By Mr. SPEAKS: Petition signed by 40 citizens of Columbus, Ohio, urging passage of House bill 2562 proposing increased pension allowances for Spanish War veterans; to the committee on Pensions.

5752. Also, petition signed by 68 citizens of Columbus, urging passage of House bill 2562 proposing increased pension allowances to veterans of the Spanish War; to the Committee on Pensions.

5753. By Mr. SPROUL of Illinois: Petition of 60 residents of Chicago, Ill., urging enactment of pension legislation for the veterans of the Spanish-American War; to the Committee on Pensions.

5754. By Mr. STONE: Petition of 50 or more citizens of Oklahoma, asking Congress to favor the Spanish-American War pension bill, H. R. 2562; to the Committee on Pensions.

5755. Also, petition of 17 names of residents of Norman, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5756. Also, petition of 18 residents of Cordell, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5757. Also, petition of 49 or more residents of Granite, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5758. Also, petition of 22 residents of Newkirk, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5759. Also, petition of 10 or more residents of Yukon, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5760. Also, petition of 13 residents of the town of Pawhuska, Okla., asking Congress to pass favorably on House bill 9233 to prescribe a certain prohibition oath; to the Committee on the Judiciary.

5761. By Mr. SWANSON: Petition of Paul E. Frye and 28 others of Missouri Valley, Iowa, for increased Spanish War pension rates; to the Committee on Pensions.

5762. By Mr. SWING: Petition of John H. Sheffield and 46 other citizens of San Diego, Calif., urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5763. Also, petition of John Nolan and 31 other citizens of San Diego, Calif., urging the adoption of House bill 8976; to the Committee on Pensions.

5764. By Mr. TARVER: Petition of J. C. Chambers and others, urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5765. By Mr. TEMPLE: Petition of number of residents of Burgettstown, Washington County, Pa., in support of Senate bill 476 and House bill 2562, providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5766. By Mr. THATCHER: Petition of Howard McDonald and others, of Jefferson County, Ky., supporting legislation for the relief of veterans of the Spanish-American War; to the Committee on Pensions.

5767. Also, petition signed by George J. Depner and other citizens of Louisville and Jefferson County, Ky., supporting Spanish-American War veterans' legislation; to the Committee on Pensions.

5768. By Mr. UNDERHILL: Petition of citizens of Winthrop, Mass., in behalf of legislation for the Spanish War veterans; to the Committee on Pensions.

5769. Also, petition of ex-service men of the soldiers' home in Massachusetts, urging the passage of House bill 3493, granting full payment immediately of the soldiers' adjusted-service certificates; to the Committee on Ways and Means.

5770. By Mr. VINCENT of Michigan: Petition of residents of Saginaw County, Mich., urging more liberal pension legislation for veterans of the Spanish-American War; to the Committee on Pensions.

5771. By Mr. WALKER: Petition of 126 tobacco growers of Central, Ky., praying for early consideration of Congress for a reduction of one-third of taxes now paid on tobacco; to the Committee on Ways and Means.

5772. By Mr. WINGO: Petition of citizens of Texarkana, Ark., in behalf of Senate bill 476 and House bill 2562, to increase pensions of Spanish-American War veterans; to the Committee on Pensions.

5773. By Mr. WOOD: Petition of citizens residing at Shelby, Ind., and vicinity, asking for the enactment of legislation increasing the rates of pension paid to the veterans of the Spanish War period; to the Committee on Pensions.

5774. By Mr. WYANT: Petition of J. W. Cochran, New Kensington, Pa., advocating passage of House bill 9232 and Senate bill 3086; to the Committee on Labor.

5775. Also, petition of Mary McGee, president and 205 members, Division No. 7, Ladies' Auxiliary of the Ancient Order of Hibernians of Monessen, Pa., opposing passage of the Capper-Robson bill; to the Committee on Education.

SENATE

TUESDAY, March 18, 1930

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m. in open executive session, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum. The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	Kendrick	Schall
Barkley	Glass	Keyes	Sheppard
Bingham	Glenn	La Follette	Shortridge
Black	Goff	McCulloch	Simmons
Blaine	Goldsborough	McKellar	Smoot
Blease	Gould	McMaster	Steck
Borah	Greene	McNary	Stelwer
Bratton	Grundey	Metcalf	Stephens
Brookhart	Hale	Moses	Sullivan
Broussard	Harris	Norbeck	Swanson
Capper	Harrison	Norris	Thomas, Idaho
Caraway	Hastings	Nye	Thomas, Okla.
Connally	Hatfield	Oddie	Trammell
Copeland	Hawes	Overman	Tydings
Couzens	Hayden	Patterson	Vandenberg
Cutting	Hebert	Phipps	Wagner
Dale	Heflin	Pine	Walsh, Mass.
Dill	Howell	Pittman	Walsh, Mont.
Fess	Johnson	Ransdell	Waterman
Fletcher	Jones	Robinson, Ind.	Watson
Frazier	Kean	Robson, Ky.	Wheeler

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present. The question is, Shall the Senate advise and consent to the nomination of J. Duncan Adams to be United States marshal, western district of South Carolina?

PERSONAL EXPLANATION

Mr. BLEASE. Mr. President, before I have anything to say with reference to the nomination before the Senate, I wish to speak on a personal matter. In this morning's Washington Post, under the headline "Pay increase bill reported in Senate," the writer of the article says:

Senator BLEASE, of South Carolina, has threatened to block the bill unless Maj. Henry G. Pratt is removed as chief of police.

Further on he says:

Senate leaders are disposed to let the bill come up as soon as possible, providing BLEASE does not attempt to filibuster.

Mr. President, last night I went to the junior Senator from Kentucky [Mr. ROBSION]—I wish he were present—and told him to go ahead and present his bill, that I should not make any objection. With that understanding the Senator came into the Chamber while I was speaking, as will be shown in the RECORD at page 5431, as follows:

Mr. BLEASE obtained the floor.

Mr. ROBSION of Kentucky. Will the Senator from South Carolina yield to enable me to present a report?

Mr. BLEASE. I yield for that purpose.

I knew what the purpose was. I made no objection to the bill. I have no objection to it now. If the Senator from Kentucky brings it up at any time it is all right with me. I simply make that statement because I do not care to have the report go out as made by the Washington Post that I did not have sense enough to know the purpose for which the Senator from Kentucky wanted me to yield, and that he was trying to put something over on me, which was not the case, because he and I thoroughly understood each other.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. BLEASE. Certainly. I did not know the Senator was present.

Mr. ROBSION of Kentucky. I wish to say that the Senator from South Carolina advised me on yesterday that he had no objection to the measure and urged me to present it. I brought it up, asking him to yield because I knew he was friendly to the proposal to bring up the measure at that time. It certainly does the Senator from South Carolina great injustice to have such a report go out.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. I thank the Senator. I ask in that connection to have inserted in the RECORD in connection with these remarks a few clippings from the Washington Post.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clippings referred to are as follows:

[From the Washington Post, Sunday, March 16, 1930]

MAN BADLY BEATEN IN AUTOMOBILE RIDE—CARRIED TO HOSPITAL AFTER MOTORIST FINDS HIM ON ROADSIDE—SAYS \$200 IS MISSING

Beaten severely in a brawl with four companions in an automobile at Georgia Avenue near the District line and robbed of \$200, John Byroad, 42 years old, who gave Eighteenth Street NW., near Ontario Road, as his address, received serious injuries early to-day, according to third precinct police.

Attendants at Emergency Hospital declared the man was suffering from numerous hurts on the head, three fractured ribs, and possible internal injuries.

He was taken to the hospital by Grover Bell, of 2136 Pennsylvania Avenue NW., who declared he was driving out the Wilson Boulevard in Arlington County and upon nearing Clarendon saw the man standing beside the road and waving to him. Mr. Bell said the man told him he had been beaten, robbed, and pitched out of an automobile. Mr. Bell said he complied with the man's request to rush him to a hospital.

Police quoted Byroad as declaring that he had been on a drinking party at an I Street speak-easy, and that he left with a man named Magruder and another named Ward for a notorious roadhouse on the Baltimore Boulevard. Police said he told them two strangers joined their party and that near Silver Spring they began fighting and that